

NH
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N53
1923

LAWS

OF THE

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1923

LEGISLATURE CONVENED JANUARY 3, ADJOURNED MAY 4



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CONCORD, N. H.
Durham, New Hampshire
1923

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STATE OFFICERS.

<i>Governor</i>	Fred H. Brown.
<i>Councilors</i>	{ Oscar P. Cole, Stephen A. Frost, Thomas J. Conway, Philip H. Faulkner, Arthur P. Morrill.
<i>Adjutant-General</i>	Charles W. Howard.
<i>Agriculture, Commissioner of</i>	Andrew L. Felker.
<i>Bank Commissioners, Board of</i>	{ James O. Lyford, Frederic S. Nutting, Leon O. Gerry.
<i>Charities and Correction, Secretary of State Board of</i>	William J. Ahern.
<i>Conciliation and Arbitration, State Board of</i>	{ Abram W. Mitchell, George A. Tenney, Michael F. Connolly.
<i>Education, State Board of</i>	{ Huntley N. Spaulding, Wilfrid J. Lessard, Alice S. Harriman, Merrill Mason, Orton B. Brown.
<i>Commissioner of</i>	Ernest W. Butterfield.
<i>Fish and Game Commissioner</i>	Mott L. Bartlett.
<i>Forester, State</i>	John H. Foster.
<i>Forestry Commission</i>	{ W. Robinson Brown, Joseph B. Murdock, John M. Corliss.
<i>Health, Secretary of State Board of</i> ...	Charles Duncan.
<i>Highway Commissioner</i>	Frederic E. Everett.
<i>Insurance Commissioner</i>	John E. Sullivan.
<i>Labor Commissioner</i>	John S. B. Davie.
<i>Law Enforcement, State Commissioner of</i>	Ora W. Craig.

<i>Librarian, State</i>	Arthur H. Chase.
<i>Motor Vehicles, Commissioner of</i>	John F. Griffin.
<i>Public Service Commission</i>	{ William T. Gunnison, Thomas W. D. Worthen, John W. Storrs.
<i>Purchasing Agent</i>	William A. Stone.
<i>Secretary of State</i>	Enos K. Sawyer.
<i>Deputy</i>	Timothy C. Cronin, Jr.
<i>Tax Commission, State</i>	{ Edwin C. Bean, John T. Amey, Fletcher Hale.
<i>Treasurer, State</i>	George E. Farrand.
<i>Deputy</i>	A. Gaspard Gelinas.
<i>Weights and Measures, Commissioner of</i>	Harold A. Webster.

SUPREME COURT.

<i>Chief Justice</i>	Frank N. Parsons.
<i>Associate Justices</i>	{ John E. Young, Robert J. Peaslee, William A. Plummer, Leslie P. Snow.
<i>Attorney-General</i>	Irving A. Hinkley.
<i>Assistant</i>	Joseph S. Matthews.
<i>Law Reporter</i>	Crawford D. Hening.
<i>Clerk of the Supreme Court</i>	Arthur H. Chase.

SUPERIOR COURT.

<i>Chief Justice</i>	John Kivel.
<i>Associate Justices</i>	{ Oliver W. Branch, William H. Sawyer, John E. Allen, Thomas L. Marble.

THE LEGISLATURE OF 1923.

SENATE.

President.—Wesley Adams, Londonderry, r.
Clerk.—Bernard B. Chase, Plymouth, r.
Assistant Clerk.—Benjamin F. Greer, Jr., Goffstown, r.
Sergeant-at-Arms.—Frederick W. Moore, Laconia, r.
Messenger.—Richard W. Walton, Warner, r.
Doorkeeper.—Frank M. Ayer, Alton, r.

SENATORS.

Ovide J. Coulombe, Berlin, d.	Daniel J. Hagerty, Nashua, d.
Leon D. Ripley, Colebrook, r.	Walter H. Tripp, Epsom, d.
Dick E. Burns, Haverhill, r.	Benjamin H. Orr, Concord, r.
Sewall W. Abbott, Wolfeboro, r.	Frederick W. Branch, Manchester, d.
Ora A. Brown, Ashland, r.	Clinton S. Osgood, Manchester, d.
John A. Hammond, Gilford, r.	John S. Hurley, Manchester, r. and d.
John A. Jaquith, Northfield, r.	Omer Janelle, Manchester, d.
Ralph E. Lufkin, Unity, r.	Edgar J. Ham, Rochester, d.
Harry L. Holmes, Henniker, r.	Homer Foster Elder, Dover, r.
Herman C. Rice, Keene, r.	Wesley Adams, Londonderry, r.
Chester L. Lane, Swanzey, r.	John F. Swasey, Brentwood, r.
James H. Hunt,* Nashua, r.	William A. Hodgdon, Portsmouth, r.

HOUSE OF REPRESENTATIVES.

Speaker.—William J. Ahern, Concord, d.
Clerk.—Randolph W. Branch, Manchester, d.
Assistant Clerk.—Alvin A. Lucier, Nashua, d.
Sergeant-at-Arms.—James W. Pridham, Newcastle, d.
Chaplain.—Rev. Herbert R. Whitelock, Manchester.
Doorkeeper.—John H. Emerson, Colebrook, d.
Doorkeeper.—Richard J. Lee, Concord, d.
Doorkeeper.—Patrick H. O'Neill, Laconia, d.
Doorkeeper.—Arthur G. Dugas, Manchester, d.

ROCKINGHAM COUNTY.

Atkinson, Stephen M. Wheeler, r.	East Kingston, Charles F. Knights, r.
Auburn, John P. Griffin, r. and d.	Epping, Louis P. Ladd, r. and d.
Brentwood, Ray Pike, r.	Exeter, Frank A. Batchelder, r.
Candia, George H. McDuffee, r.	Charles Curtis Field, r.
Chester, Walter P. Tenney, r.	Harry Merrill, r.
Danville, Charles H. Johnson, r.	Howard E. Swain, r.
Deerfield, Wilbur H. White, r.	Greenland, Eugene S. Daniell, r.
Derry, George W. Benson,* d.	Hampstead, Isaac Randall, r.
Jesse G. MacMurphy, d.	Hampton, Warren H. Hobbs, r.
Alexander J. Senecal, d.	Hampton Falls, Walter B. Farmer, r.
John A. Taylor, d.	Kensington, Horace P. Blodgett, r.

*Deceased.

ROCKINGHAM COUNTY.—*Continued.*

Kingston, Levi S. Bartlett, r.
Londonderry, Edward E. Kent, r.
Newcastle, Elmer S. Pridham, d.
Newfields, Alfred Connor, r.
Newmarket, Philip Labranche, Jr., d.
 Adelard Rousseau, d.
 John Wardman, d.
Newton, Andrew G. Littlefield, r. and d.
North Hampton, Samuel A. Dow, r.
Northwood, Joel W. Steward, r.
Plaistow, Joseph S. Hills, r.
Portsmouth,
 Ward 1, Gertrude Caldwell, d.
 Harry L. Dowdell, d.
 Edward B. Weeks, d.

Ward 2, Leon E. Scruton, r.
 Harold M. Smith, r.
 Stanley P. Trafton, r.
 George A. Wood, r.
 Ward 3, William Casey, d.
 John F. Cronin, d.
 Ward 4, George E. Cox, r.
 Ward 5, Patrick E. Kane, d.
Raymond, Emma L. Bartlett, d.
Rye, Irving W. Rand, r.
Salem, James S. Coles, r. and d.
 Amos J. Cowan, r.
Sandown, George Bassett, r.
Seabrook, Myron B. Felch, r.
Windham, Charles A. Dow, Jr., r.

STRAFFORD COUNTY.

Barrington, Irving M. Locke, d.
Dover,
 Ward 1, Charles A. Cloutman, r.
 Hubert K. Reynolds, r.
 Ward 2, Patrick J. Durkin, d.
 William F. Howard, d.
 Felix E. O'Neil, Jr., d.
 Ward 3, Frank F. Fernald, r.
 Thomas Webb, r.
 Ward 4, Ferdinand Jenelle, d.
 Stephen W. Roberts, r.
 Charles T. Ryan, d.
 Ward 5, Edward Durnin, d.
Durham, Sherburne H. Fogg, r. and d.
Farmington, Ulysses S. Knox, r.
 Frank J. Smith, r.
Lee, Fred P. Comings, d.
Middleton, Samuel Abbott Lawrence, d.
Milton, Frank D. Stevens, r.

Rochester,
 Ward 1, Thomas H. Gotts, d.
 Ward 2, Claudis E. Edgerly, d.
 Ward 3, Harry H. Meader, r.
 Ward 4, Adelard Gaspard Gelinas, d.
 Edmond J. Marcoux, d.
 Ward 5, Louis H. McDuffee, r.
 Ward 6, Guy E. Chesley, r.
 Charles W. Lowe, r.
Rollinsford, Henry B. Davis, d.
Somersworth,
 Ward 1, Honore Girard, d.
 Ward 2, Louis P. Cote, d.
 Ward 3, Peter M. Gagne, d.
 Ward 4, Walter L. Hanagan, d.
 Fred A. Houle, d.
 Ward 5, George Heon, d.
Strafford, Adrian B. Preston, r.

BELKNAP COUNTY.

Alton, Harry E. Jones, d.
Barnstead, Frank J. Holmes, d.
Belmont, Albert A. Smith, r.
Center Harbor, Loui L. Sanborn, r. and d.
Gilford, Fred R. Weeks, r.
Gilmanton, Ernest H. Goodwin, d.
Laconia,
 Ward 1, Walter E. Dunlap, d.
 Ward 2, William D. Kempton, r. and d.
 Fortunat E. Normandin,
 r. and d.
 Ward 3, Charles M. Avery, r.

 Ward 4, Theo. S. Jewett, r.
 John H. Merrill, r.
 Ward 5, Truman B. French, d.
 John H. Laycock, d.
 Ward 6, Edwin A. Badger, r.
 Laurence B. Holt, r.
Meredith, Charles N. Roberts, d.
New Hampton, Adelbert M. Gordon, r.
Sanbornton, Robert M. Wright, r.
Tilton, Everett W. Sanborn, d.
 Osborn J. Smith, d.

CARROLL COUNTY.

- Bartlett*, Lucius Hamlin, r.
Brookfield, Charles Willey, r. and d.
Conway, Arthur W. Chandler, d.
 William A. Currier, r.
 Clarence Ela, r.
Effingham, Robert M. Fulton, d.
Freedom, George I. Philbrick, d.
Madison, John F. Chick, r.
Moultonborough, George A. Blanchard,
 r. and d.
Ossipee, Harry P. Smart, r.
Sandwich, Charles B. Hoyt, r.
Tamworth, Arthur S. Fall, d.
Tuftonboro, Willie W. Thomas, d.
Wakefield, Isaac L. Lord, d.
Wolfeboro, Stephen W. Clow, r.
 Frank W. Hale, r.

MERRIMACK COUNTY.

- Allenstown*, George H. Desroche, d.
Andover, Arthur H. Rollins, d.
Boscawen, Cecil P. Grimes, r.
Bow, George Albee, d.
Bradford, Joseph W. Sanborn, d.
Canterbury, William C. Tallman, d.
Concord,
 Ward 1, Fred M. Dodge, d.
 John H. Rolfe, d.
 Ward 2, George O. Robinson, d.
 Ward 3, George W. Phillips, d.
 Ward 4, Harry M. Cheney, r.
 William P. Danforth, r.
 James O. Lyford, r.
 Ward 5, Earl F. Newton, r.
 William W. Thayer, r.
 Ward 6, Harry R. Cressy, r.
 Hamilton A. Kendall, r.
 Nathaniel E. Martin, d.
 Charles G. Roby, r.
 Ward 7, Burt J. Carleton, d.
 Peter J. King, r.
 John G. Winant, r.
 Ward 8, William A. Lee, r. and d.
 Ward 9, William J. Ahern, d.
 James J. Gannon, d.
Danbury, Noah E. Lund, d.
Epsom, Blanchard H. Fowler, r. and d.
Franklin,
 Ward 1, Herrick Aiken, r.
 Ward 2, Edmund J. Garneau, d.
 Archie Mahan, d.
 Ward 3, Edward J. Judkins, d.
 Joseph Newton, d.
Henniker, Ralph H. Gilchrist, r.
Hill, Joseph B. Murdock, r. and d.
Hooksett, Edgar Ray Chaney, d.
 Benjamin J. LaSalle, d.
Hopkinton, Milton J. Walker, d.
Loudon, Archie L. Hill, r. and d.
Newbury, James C. Farmer, r.
New London, Joseph Cutting, r.
Northfield, Charles S. Carter, r.
Pembroke, John O. Bellerose, d.
 Llewellyn S. Martin, d.
Pittsfield, Albert E. Cheney, d.
 David F. Jackson, d.
Salisbury, George B. Sanborn, d.
Sutton, Harrington C. Wells, r.
Warner, Charles P. Johnson, d.
Webster, Joseph Wheelwright, r.
Wilmot, Arthur C. Seavey, d.

HILLSBOROUGH COUNTY.

- Amherst*, Robert J. Ford, r.
Antrim, Wyman K. Flint, r.
Bedford, Charles H. Clark, r. and d.
Bennington, James H. Balch, r.
Brookline, George M. Rockwood, d.
Francestown, Leon E. Hoyt, d.
Goffstown, Charles L. Davis, r.
 Asa Spaulding, d.
Greenfield, Frank E. Russell, d.
Greenville, Louis O. Boisvert, d.
Hancock, Ephriam Weston, r.
Hillsborough, Charles F. Butler, r.
 John S. Childs, r.
Hollis, Charles E. Hardy, d.
Hudson, Karl E. Merrill, r. and d.
 Edward A. Spaulding, r.
Lyndeborough, Algernon W. Putnam, r.

HILLSBOROUGH COUNTY.—*Continued.*
Manchester,

- Ward 1,* Harry B. Cilley, r.
 John P. Cronan, r.
 James E. Dodge, r.
- Ward 2,* Oscar F. Bartlett, r.
 Isaac N. Cox, r.
 Arthur W. DeMoulpied, r.
 Harry T. Lord, r.
 Effie E. Yantis, r.
- Ward 3,* Harold E. Hartford, d.
 Charles O. Johnson, d.
 Alfred Moquin, d.
 Denis A. Murphy, d.
 Harry E. Nyberg, d.
- Ward 4,* George D. Burns, d.
 Charles A. Grant, d.
 John F. Kelley, d.
 Maurice F. Fitzgerald, d.
- Ward 5,* Patrick J. Clancey, d.
 Martin Connor, d.
 John Coyne, d.
 Patrick J. Creighton, d.
 Denis M. Fleming, d.
 John F. Kelley, d.
 Joseph P. Kenney, d.
 Frank P. Laughlin, d.
 Michael J. McNulty, d.
 Jeremiah J. Tobin, d.
- Ward 6,* Leonard E. Barry, d.
 Michael T. Burke, d.
 Charles S. Currier, d.
 Robert J. Murphy, d.
 George L. Sibley, d.
 Frederick M. Smith, d.
- Ward 7,* Thomas A. Carr, d.
 Francis A. Foye, d.
 Emile J. Godbout, d.
 Jeremiah B. Healy, Jr., d.
 John J. Quinn, d.
 Denis Sullivan, d.
- Ward 8,* Damis Bouchard, d.
 Joseph Chevette, d.
 Michael S. Donnelly, d.
 William Leonard, d.
 John McLaughlin, d.
 Charles H. Morin, d.
- Ward 9,* John W. Conboy, d.
 Valentine McBride, d.
 Joseph E. Riley, Jr., d.
 Thomas Rourke, d.
- Ward 10,* Oscar E. Getz, d.
 Sylvio Leclerc, d.
 Mortimer B. Ploss, d.

- Ward 11,* Henry R. Blais, d.
 Ora W. Craig, d.
 George W. Gowitzke, d.
 Alex J. McDonnell, d.
 George E. Roukey, d.
- Ward 12,* Louis E. Gauthier, r. and d.
 Wilfred A. Lamy, d.
 Alfred F. Maynard, r. and d.
 Charles A. Pecor, d.
 Edward E. Rajotte, d.
 Arthur H. St. Germain,
 r. and d.

- Ward 13,* Joseph A. Dionne, d.
 Adolphe Duval, d.
 Horace Gagnon, d.
 Pierre Gauthier, d.
 Joseph W. Remillard, d.

Merrimack, Arthur G. Gordon, r.

- Milford,* Samuel A. Lovejoy, r.
 Frank W. Ordway, r.
 Charles W. Robinson, r.

Nashua,

- Ward 1,* Gerald F. Cobleigh, r.
 Elbert Wheeler, r.
 Ovid F. Winslow, r.

- Ward 2,* Ivory C. Eaton, r.
 Thomas E. Pentland, r.

- Ward 3,* Joseph Boilard, Jr., d.
 Thomas E. Dube, d.
 William B. Trombly, d.

- Ward 4,* John L. Spillane, d.
 David F. Sullivan, d.

- Ward 5,* Edward Sullivan, d.

- Ward 6,* Henry M. Burns, d.

- Ward 7,* Raymond S. Cotton, d.
 Robert J. Doyle, d.
 John J. Lyons, d.

- Ward 8,* William H. Barry, r. and d.
 James B. Hallisey, d.
 Charles B. Rigney, d.
 Romuald A. Sylvestre, d.

- Ward 9,* Arthur Bilodeau, d.
 Alfred F. Girouard, r. and d.
 Arthur Papachristos, r. and d.
 Arthur A. Pelletier, d.

New Boston, Herbert M. Christie, r.

New Ipswich, Robert B. Walker, r. and d.

Pelham, Asa A. Carleton, r.

Peterborough, Robert P. Bass, r.
 Ezra M. Smith, r.

Temple, Charles W. Tobey, r.

Weare, Charles F. Eastman, d.

Wilton, William E. Hickey, d.

CHESHIRE COUNTY.

- Alstead*, Frank Dewing, r.
Chesterfield, Angelo M. Spring, r.
Dublin, Archie R. Garfield, r. and d.
Fitzwilliam, Julius H. Firmin, r.
Gilsum, Charles H. Blake, r. and d.
Harrisville, George F. Bemis, d.
Hinsdale, Patrick L. O'Connor, d.
Jaffrey, George H. Duncan, d.
 Peter E. Hogan, d.
Keene,
 Ward 1, William J. Callahan, r.
 Harry Delbert Hopkins, r.
 Ora C. Mason, r.
 Ward 2, Robert C. Jones, r.
 Austin H. Reed, r.
 Ward 3, Leston M. Barrett, r.
 Cameron M. Empey, r.
 Ward 4, Wilder F. Gates, r.
 Ward 5, Lewis S. King, d.
 John J. Landers, d.
Marlborough, John D. Tuttle, d.
Marlow, Fred G. Huntley, r.
Rindge, Oren F. Sawtell, r. and d.
Stoddard, Edward T. Davis, r. and d.
Surry, Samuel Ball, r.
Swanzy, Milan A. Dickinson, d.
Troy, Charles L. McGinness, d.
Walpole, William J. King, r.
 Arthur E. Wells, d.
Westmoreland, Perry W. Burt, r. and d.
Winchester, Franklin P. Kellom, Sr., d.
 Edward F. Qualters, r. and d.

SULLIVAN COUNTY.

- Acworth*, Almon E. Clark, d.
Charlestown, Leon H. Barry, d.
Claremont, Charles W. Barney, r.
 Hartley L. Brooks, r.
 Clarence B. Etsler, r.
 Adelbert M. Nichols, r.
 Alfred T. Pierce, r.
 Ray E. Tenney, r.
 Arthur S. Wolcott, r.
 Edward J. Rossiter, r.
Cornish, Frederick J. Franklyn, r.
Croydon, Herbert D. Barton, r.
Grantham, Dellivan D. Thornton, r. and d.
Lempster, Thomas F. Bluitte, r.
Newport, John H. Glynn, r.
 George E. Lewis, r.
 Ernest A. Robinson, r.
Plainfield, Earle W. Colby, d.
Springfield, William P. Gardner, r.
Sunapee, Leo L. Osborne, r. and d.
Unity, Willard H. Walker, d.
Washington, Elgin G. Farnsworth, ind.

GRAFTON COUNTY.

- Ashland*, Willis F. Hardy, d.
Bath, Timothy B. Southard, r.
Benton, Lebina H. Parker, r.
Bethlehem, Henry C. Barrett, r. and d.
Bristol, Charles S. Collins, r. and d.
Campton, Willard C. Pulsifer, r.
Canaan, Lynn S. Webster, d.
Dorchester, Herbert H. Ashley, r.
Enfield, Loring C. Hill, d.
Franconia, William D. Rudd, r.
Grafton, Herman G. Chellis, d.
Groton, No representative elected.
Hanover, Don S. Bridgman, r.
 Ransom S. Cross, r.
Haverhill, Harold K. Davison, r.
 Olin A. Lang, d.
 Charles P. Page, r.
Holderness, Joseph W. Pulsifer, r.
Landaff, Raymond B. Stevens, d.
Lebanon, Floyd E. Eastman, d.
 Leon M. Howard, d.
 Thomas J. McNamara, d.
 Charles B. Ross, r.
 Thomas P. Waterman, r.
Lincoln, Alfred Stanley, r.
Lisbon, Earnest H. Hallett, r.
 William E. Price, r.
Littleton, George Houle, d.
 James C. MacLeod, r.
 Ora A. Mooney, d.
 Fred O. Nourse, d.
Lyman, George O. Elms, d.
Lyme, Sidney A. Converse, r.

GRAFTON COUNTY.—*Continued.**Monroe*, Oscar A. Frazer, r. and d.*Orford*, Willard R. Harris, r.*Piermont*, William B. Neal,* r.,

Earl V. Howard, r.,

seated Mar. 20.

Plymouth, Ezra C. Chase, r.

Lyman R. Sherwood, r.

Rumney, George D. Kidder, d.*Thornton*, George W. Fadden, d.*Warren*, Norris H. Cotton, r.*Woodstock*, Harry D. Sawyer, r. and d.

COOS COUNTY.

Berlin,*Ward 1*, John A. Hayward, d.

John E. Keleher, r. and d.

Achille H. Larue, r. and d.

Elden E. Pierce, r. and d.

Ward 2, Walter L. Griffin, r. and d.

Geo. O. LaRochelle, r. and d.

Hugh Kelsea Moore, r. and d.

Moses E. Young, r. and d.

Ward 3, Joseph G. Blais, r. and d.

Homer H. Marks, r. and d.

John J. Smith, r. and d.

Ward 4, George V. Hopkins, r. and d.

George E. Hutchins, r. and d.

John A. Labrie, r. and d.

Carroll, Leon G. Hunt, r.*Colebrook*, George B. Frizzell, d.

Ellsworth D. Young, d.

Columbia, Ernest U. Sims, r.*Errol*, Clinton S. Ferren, ind.*Gorham*, Bartholomew F. McHugh, d.

Alfred O. Mortenson, d.

Jefferson, Frank B. Pottle, d.*Lancaster*, Bernard Jacobs, r.

John B. McIntire, d.

Milan, John B. Nay, r.*Northumberland*, William F. Rowden, r.

Harry B. Smith, r.

Pittsburg, Willie J. Nutting, d.*Randolph*, Laban M. Watson, r. and d.*Shelburne*, No representative elected.*Stewartstown*, George L. Wood, r.*Stratford*, Ralph M. Hutchins, d.*Whitefield*, Joseph W. Brown, r.

Elbridge W. Snow, r.

*Deceased.

LAWS

OF THE

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1923.

CHAPTER 1.

AN ACT IN AMENDMENT OF SECTION 13, CHAPTER 123, LAWS OF 1917,
AS AMENDED BY SECTION 1, CHAPTER 115, LAWS OF 1921, RELATING
TO THE GOVERNOR'S STAFF.

SECTION

1. Qualifications: officers detailed.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Amend section 13, chapter 123, Laws of 1917, as amended by section 1, chapter 115, Laws of 1921, by striking out of said section the words "four of whom shall be detailed from the national guard, shall retain their existing rank and shall remain subject to duty except as their services may be required by the governor as members of his staff. The remaining four may be appointed from officers or ex-officers of the United States army, or of national guard, or of the reserve corps, or from civil life. Officers detailed from the national guard shall not be exempt from performing the duties required of them as officers of the national guard. If said aides-de-camp are appointed other than from the national guard or reserve corps" and insert in place thereof the words four of whom may be detailed from the national guard or appointed from those who served in the United States army in the Spanish-American war or the world war. The remaining four may be appointed from officers or ex-officers of the United States army or of the national guard or of the reserve corps or from civil life. Officers detailed from the national guard shall retain their existing rank and shall remain subject to duty except as their services may be required by the governor as members of his staff. If said aides-de-camp are appointed other than from the national guard, so that the said section shall read as follows: SECT. 13.

The staff of the commander-in-chief shall consist of the adjutant-general, with rank of brigadier-general, who shall be chief of staff, and after January 4, 1923, eight aides-de-camp, four of whom may be detailed from the national guard or appointed from those who served in the United States army in the Spanish-American war or the world war. The remaining four may be appointed from officers or ex-officers of the United States army or of the national guard or of the reserve corps or from civil life. Officers detailed from the national guard shall retain their existing rank and shall remain subject to duty except as their services may be required by the governor as members of his staff. If said aides-de-camp are appointed other than from the national guard they shall have the rank of major, shall hold office during the pleasure and not exceeding the term of office of the governor, and shall not thereby be exempted from military duties under the terms of this act. The adjutant-general shall be appointed as provided in article 45 of the constitution and his tenure of office shall be as provided for in section 18 of this act for all officers.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved February 1, 1923.]

CHAPTER 2.

AN ACT TO ESTABLISH A NEW APPORTIONMENT FOR THE ASSESSMENT OF PUBLIC TAXES.

SECTION

1. New apportionment established.
2. To continue until other apportionment.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

New apportionment established.

SECTION 1. That of every thousand dollars of public taxes hereafter to be raised, the proportion which each town and place shall pay, and for which the treasurer of the state is hereby authorized to issue his warrant, shall be as follows, to wit:

Rockingham County, \$99.71.

Atkinson, seventy cents.....	\$0.70
Auburn, one dollar and thirty cents.....	1.30
Brentwood, eighty cents.....	.80

Candia, one dollar and twenty cents.....	\$1.20
Chester, one dollar and twenty-four cents.....	1.24
Danville, fifty-seven cents.....	.57
Deerfield, one dollar and fifteen cents.....	1.15
Derry, nine dollars and thirty-one cents.....	9.31
East Kingston, fifty cents.....	.50
Epping, one dollar and seventy-four cents.....	1.74
Exeter, eight dollars and seventy-eight cents.....	8.78
Fremont, ninety-nine cents.....	.99
Greenland, ninety-nine cents.....	.99
Hampstead, one dollar and nineteen cents.....	1.19
Hampton, six dollars and twenty-four cents.....	6.24
Hampton Falls, ninety cents.....	.90
Kensington, forty-eight cents.....	.48
Kingston, one dollar and seven cents.....	1.07
Londonderry, two dollars and thirteen cents.....	2.13
Newcastle, ninety-eight cents.....	.98
Newfields, fifty-two cents.....	.52
Newington, one dollar and twenty-six cents.....	1.26
Newmarket, five dollars and ten cents.....	5.10
Newton, ninety-eight cents.....	.98
North Hampton, two dollars and thirty-two cents.....	2.32
Northwood, one dollar and thirty-three cents.....	1.33
Nottingham, one dollar and five cents.....	1.05
Plaistow, one dollar and fifty-five cents.....	1.55
Portsmouth, thirty dollars and nine cents.....	30.09
Raymond, one dollar and ninety cents.....	1.90
Rye, three dollars and twenty-four cents.....	3.24
Salem, three dollars and eighty-seven cents.....	3.87
Sandown, forty-six cents.....	.46
Seabrook, one dollar and five cents.....	1.05
South Hampton, thirty-six cents.....	.36
Stratham, ninety-two cents.....	.92
Windham, one dollar and forty-five cents.....	1.45

Strafford County, \$81.17.

Barrington, one dollar and twenty-nine cents.....	\$1.29
Dover, twenty-eight dollars and seventy-one cents.....	28.71
Durham, one dollar and seventy-nine cents.....	1.79
Farmington, four dollars and eleven cents.....	4.11
Lee, eighty-eight cents.....	.88
Madbury, fifty-seven cents.....	.57
Middleton, twenty-seven cents.....	.27
Milton, three dollars and ninety-six cents.....	3.96
New Durham, seventy-seven cents.....	.77

Rochester, nineteen dollars and seven cents.....	\$19.07
Rollinsford, four dollars and nineteen cents.....	4.19
Somersworth, fourteen dollars and thirty-three cents....	14.33
Strafford, one dollar and twenty-three cents.....	1.23

Belknap County, \$48.86.

Alton, two dollars and ninety cents.....	\$2.90
Barnstead, one dollar and sixty-four cents.....	1.64
Belmont, one dollar and eighty cents.....	1.80
Center Harbor, one dollar and forty-six cents.....	1.46
Gilford, one dollar and seventy-nine cents.....	1.79
Gilmanton, one dollar and twenty-three cents.....	1.23
Laconia, twenty-six dollars and four cents.....	26.04
Meredith, four dollars and four cents.....	4.04
New Hampton, one dollar and seven cents.....	1.07
Sanbornton, one dollar and sixty-two cents.....	1.62
Tilton, five dollars and twenty-seven cents.....	5.27

Carroll County, \$29.69.

Albany, thirty cents.....	\$0.30
Bartlett, one dollar and twenty-six cents.....	1.26
Brookfield, forty-five cents.....	.45
Chatham, forty-six cents.....	.46
Conway, five dollars and three cents.....	5.03
Eaton, forty-nine cents.....	.49
Effingham, eighty-one cents.....	.81
Freedom, seventy-one cents.....	.71
Hart's Location, nineteen cents.....	.19
Jackson, one dollar and five cents.....	1.05
Madison, one dollar and five cents.....	1.05
Moultonborough, two dollars and forty-nine cents.....	2.49
Ossipee, one dollar and eighty-three cents.....	1.83
Sandwich, two dollars and sixteen cents.....	2.16
Tamworth, two dollars and twenty-two cents.....	2.22
Tuftonboro, one dollar and thirty-six cents.....	1.36
Wakefield, two dollars and fifty-seven cents.....	2.57
Wolfeboro, five dollars and twenty-four cents.....	5.24
Hale's Location, two cents.....	.02

Merrimack County, \$117.23.

Allentown, three dollars and thirteen cents.....	\$3.13
Andover, two dollars and five cents.....	2.05
Boscawen, two dollars and eight cents.....	2.08

Bow, one dollar and ninety-seven cents.....	\$1.97
Bradford, one dollar and forty-nine cents.....	1.49
Canterbury, one dollar and fifty-one cents.....	1.51
Chichester, one dollar and twenty-four cents.....	1.24
Concord, fifty-two dollars and forty-three cents.....	52.43
Danbury, ninety-two cents.....	.92
Dunbarton, ninety-one cents.....	.91
Epsom, one dollar and sixty-six cents.....	1.66
Franklin, fourteen dollars and forty-seven cents.....	14.47
Henniker, two dollars and eighty-three cents.....	2.83
Hill, one dollar and eight cents.....	1.08
Hooksett, two dollars and seventy-eight cents.....	2.78
Hopkinton, three dollars and forty-five cents.....	3.45
Loudon, one dollar and sixty-three cents.....	1.63
Newbury, one dollar and ninety-one cents.....	1.91
New London, two dollars and forty cents.....	2.40
Northfield, two dollars and ninety-six cents.....	2.96
Pembroke, four dollars and twenty-nine cents.....	4.29
Pittsfield, three dollars and eighty-nine cents.....	3.89
Salisbury, seventy-eight cents.....	.78
Sutton, one dollar and nineteen cents.....	1.19
Warner, two dollars and forty-seven cents.....	2.47
Webster, one dollar and five cents.....	1.05
Wilmot, sixty-six cents.....	.66

Hillsborough County, \$322.45.

Amherst, one dollar and ninety cents.....	\$1.90
Antrim, two dollars and twenty-three cents.....	2.23
Bedford, two dollars and seventeen cents.....	2.17
Bennington, one dollar and sixty-one cents.....	1.61
Brookline, one dollar and thirty-two cents.....	1.32
Deering, fifty-nine cents.....	.59
Francetown, eighty-two cents.....	.82
Goffstown, five dollars and eighty-one cents.....	5.81
Greenfield, eighty-seven cents.....	.87
Greenville, two dollars and ninety-four cents.....	2.94
Hancock, one dollar and twenty-two cents.....	1.22
Hillsborough, three dollars and eighty-eight cents....	3.88
Hollis, one dollar and fifty-seven cents.....	1.57
Hudson, two dollars and ninety-nine cents.....	2.99
Litchfield, seventy-one cents.....	.71
Lyndeborough, ninety-five cents.....	.95
Manchester, one hundred ninety-six dollars and eighty-five cents.....	196.85
Mason, fifty-six cents.....	.56

Merrimack, two dollars and seventy-one cents.....	\$2.71
Milford, seven dollars and nineteen cents.....	7.19
Mont Vernon, ninety cents.....	.90
Nashua, sixty-five dollars and eighty-six cents.....	65.86
New Boston, one dollar and ninety-four cents.....	1.94
New Ipswich, one dollar and ninety-seven cents.....	1.97
Pelham, one dollar and fifteen cents.....	1.15
Peterborough, five dollars and ninety-three cents.....	5.93
Sharon, thirty-three cents.....	.33
Temple, forty-five cents.....	.45
Weare, two dollars and twenty-one cents.....	2.21
Wilton, two dollars and seventy-three cents.....	2.73
Windsor, nine cents.....	.09

Cheshire County, \$72.61.

Alstead, one dollar and nineteen cents.....	\$1.19
Chesterfield, one dollar and eighty-six cents.....	1.86
Dublin, three dollars and eleven cents.....	3.11
Fitzwilliam, one dollar and thirty-six cents.....	1.36
Gilsum, fifty-five cents.....	.55
Harrisville, one dollar and twenty-nine cents.....	1.29
Hinsdale, five dollars and forty-seven cents.....	5.47
Jaffrey, six dollars and thirty-three cents.....	6.33
Keene, twenty-nine dollars and sixty-one cents.....	29.61
Marlborough, one dollar and sixty-two cents.....	1.62
Marlow, fifty-one cents.....	.51
Nelson, fifty cents.....	.50
Richmond, ninety-seven cents.....	.97
Rindge, one dollar and eighty-three cents.....	1.83
Roxbury, thirty cents.....	.30
Stoddard, sixty-three cents.....	.63
Sullivan, thirty-seven cents.....	.37
Surry, fifty-three cents.....	.53
Swanzy, two dollars and seventy-five cents.....	2.75
Troy, two dollars and two cents.....	2.02
Walpole, four dollars and sixty-seven cents.....	4.67
Westmoreland, one dollar.....	1.00
Winchester, four dollars and fourteen cents.....	4.14

Sullivan County, \$48.92.

Acworth, sixty-one cents.....	\$0.61
Charlestown, two dollars and seventy-six cents.....	2.76
Claremont, twenty-six dollars and seventy-five cents.....	26.75
Cornish, one dollar and sixty-nine cents.....	1.69

Croydon, eighty-four cents.....	\$0.84
Goshen, thirty-six cents.....	.36
Grantham, sixty-seven cents.....	.67
Langdon, forty cents.....	.40
Lempster, fifty cents.....	.50
Newport, seven dollars and eighty-nine cents.....	7.89
Plainfield, one dollar and forty-seven cents.....	1.47
Springfield, eighty-five cents.....	.85
Sunapee, two dollars and eighty cents.....	2.80
Unity, sixty cents.....	.60
Washington, seventy-three cents.....	.73

Grafton County, \$89.63.

Alexandria, seventy-one cents.....	\$0.71
Ashland, two dollars and ninety-two cents.....	2.92
Bath, one dollar and forty-eight cents.....	1.48
Benton, thirty-three cents.....	.33
Bethlehem, three dollars and forty-three cents.....	3.43
Bridgewater, sixty-three cents.....	.63
Bristol, three dollars and fifteen cents.....	3.15
Campton, two dollars and nineteen cents.....	2.19
Canaan, two dollars and forty-five cents.....	2.45
Dorchester, forty-eight cents.....	.48
Easton, thirty-eight cents.....	.38
Ellsworth, fifteen cents.....	.15
Enfield, three dollars and twenty-two cents.....	3.22
Franconia, one dollar and fifty-five cents.....	1.55
Grafton, one dollar and nineteen cents.....	1.19
Groton, sixty-two cents.....	.62
Hanover, six dollars and eleven cents.....	6.11
Haverhill, five dollars and eighty-eight cents.....	5.88
Hebron, fifty-seven cents.....	.57
Holderness, two dollars and eighteen cents.....	2.18
Landaff, one dollar and seven cents.....	1.07
Lebanon, eleven dollars and eighty-four cents.....	11.84
Lincoln, five dollars and thirty-four cents.....	5.34
Lisbon, five dollars and sixty-eight cents.....	5.68
Littleton, eight dollars and twenty-six cents.....	8.26
Livermore, one dollar and eighteen cents.....	1.18
Lyman, fifty-eight cents.....	.58
Lyme, one dollar and sixty-two cents.....	1.62
Monroe, seventy cents.....	.70
Orange, thirty-one cents.....	.31
Orford, one dollar and forty-five cents.....	1.45
Piermont, one dollar and twenty cents.....	1.20

Plymouth, four dollars and eighty-one cents.....	\$4.81
Rumney, one dollar and twenty-eight cents.....	1.28
Thornton, fifty-nine cents.....	.59
Warren, one dollar and seven cents.....	1.07
Waterville, one dollar and twenty-eight cents.....	1.28
Wentworth, seventy-six cents.....	.76
Woodstock, ninety-nine cents.....	.99

Coös County, \$81.25.

Berlin, thirty-one dollars and eighty-four cents.....	\$31.84
Carroll, two dollars and sixty-seven cents.....	2.67
Clarksville, ninety-five cents.....	.95
Colebrook, three dollars and sixty cents.....	3.60
Columbia, one dollar and twenty-one cents.....	1.21
Dalton, sixty-three cents.....	.63
Dummer, eighty-four cents.....	.84
Errol, one dollar and eighteen cents.....	1.18
Gorham, eight dollars and sixty cents.....	8.60
Jefferson, one dollar and eighty-four cents.....	1.84
Lancaster, seven dollars and twenty-three cents.....	7.23
Milan, one dollar and ninety-four cents.....	1.94
Northumberland, four dollars and thirty-five cents....	4.35
Pittsburg, three dollars and eighty cents.....	3.80
Randolph, fifty-three cents.....	.53
Shelburne, ninety cents.....	.90
Stark, eighty-nine cents.....	.89
Stewartstown, one dollar and forty-seven cents.....	1.47
Stratford, three dollars and thirty cents.....	3.30
Wentworth's Location, fifty-four cents.....	.54
Whitefield, two dollars and ninety-four cents.....	2.94

Unincorporated places in Coös County, \$8.48.

Cambridge, one dollar and sixty-seven cents.....	\$1.67
Crawford's Purchase, ten cents.....	.10
Cutt's Grant, nine cents.....	.09
Dixville, one dollar and seventy-one cents.....	1.71
Dix's Grant, sixty cents.....	.60
Erving's Grant, five cents.....	.05
Gilmanton and Atkinson Academy Grant, fifty-two cents	.52
Green's Grant, six cents.....	.06
Millsfield, seventy-five cents.....	.75
Odell, seventy-five cents.....	.75
Sargent's Purchase, thirteen cents.....	.13
Second College Grant, one dollar and nineteen cents....	1.19
Success, eighty-six cents.....	.86

SECT. 2. The same shall be the proportion of assessment of all public taxes until a new apportionment shall be made and established, and the treasurer for the time being shall issue his warrant accordingly. To continue until other apportionment.

SECT. 3. This act shall take effect upon its passage.

Takes effect on passage.

[Approved February 22, 1923.]

CHAPTER 3.

AN ACT IN AMENDMENT OF SECTION 3, CHAPTER 29, LAWS OF 1893, AS AMENDED BY SECTION 1, CHAPTER 67, LAWS OF 1897, SECTION 1, CHAPTER 14, LAWS OF 1913, SECTION 1, CHAPTER 171, LAWS OF 1915, AND SECTION 1, CHAPTER 49, LAWS OF 1917, RELATING TO HIGHWAY AGENTS.

SECTION

1. Highway agents: number to be elected.

SECTION

2. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 3, chapter 29, Laws of 1893, as amended by section 1, chapter 67, Laws of 1897, section 1, chapter 14, Laws of 1913, section 1, chapter 171, Laws of 1915, and section 1, chapter 49, Laws of 1917, is hereby amended by striking out the words "not exceeding three" in line two of said amended section 3, so that said section, as amended, shall read as follows: SECT. 3. At the annual election, each town shall elect by ballot one or more, highway agents, who, under the direction of the selectmen, shall have charge of the construction and repair of all highways and bridges within the town, and shall have authority to employ the necessary men and teams, and purchase timber, planks, and other material for construction and repair of highways and bridges, and they may remove gravel, rocks, or other materials from one part of the town to the other, doing no damage to adjoining land, for the purpose of grading or otherwise repairing the same. Or the town may vote at the annual election to instruct its selectmen to appoint an expert highway agent, who, under the direction of the selectmen, shall have the same power and perform the same duties as a highway agent if elected by said town. Said agents shall be sworn to the faithful discharge of their duty, give bonds to the satisfaction Highway agents: number to be elected.

of the selectmen, and be responsible to them for the expenditure of money and discharge of their duties generally. The compensation of said agents shall be fixed by the town or selectmen, and they shall render to the selectmen weekly statements of their expenditures and receive no money from the treasurer only on the order of the selectmen.

Repealing clause;
takes effect on
passage.

SECT. 2. All acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved February 22, 1923.]

CHAPTER 4.

AN ACT IN AMENDMENT OF SECTION 5 OF CHAPTER 46 OF THE LAWS OF 1897 RELATING TO THE LICENSE FEE OF ITINERANT VENDORS.

SECTION

1. License fee, how determined.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

License fee, how
determined.

SECTION 1. Amend section 5 of chapter 46 of the Laws of 1897 by substituting for the figure "2" the figure 3, so that said section as amended shall read as follows: SECT. 5. The tax collector for any town, upon receiving an application as provided in the preceding section, shall forthwith give notice thereof to the assessors. The assessors, or a majority of them, shall, as soon as practicable, examine the goods described in such application and shall compute and certify to the collector the amount of the applicant's local license fee for such intended sale, which shall be 3 per cent. of the value of said goods. The payment of such local license fee shall authorize such applicant to sell within the limits of said town goods only of the kind or line specified in his application, and for that purpose to carry in stock such goods not to exceed in amount at any one time the value on which the local license fee was computed; and such license shall terminate and expire on the first day of April next following the date of application. Any itinerant vendor who, after applying or paying for a local license, shall increase his stock kept, offered, or exposed for sale in the town for which such local license fee was paid, above the valuation upon which the license was computed, shall make application for a supplementary license for such excess of stock in like man-

ner as for his original license, and the fees therefor shall be computed, certified, and collected in like manner.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved February 22, 1923.]

CHAPTER 5.

AN ACT AMENDING SECTION 2 OF CHAPTER 189 OF THE LAWS OF 1917
RELATING TO TAXATION OF DEPOSITS IN BANKS IN OTHER STATES.

SECTION

1. Deposits in savings departments of trust companies in other states, when exempted from taxation in this state.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Amend section 2 of chapter 189 of the Laws of 1917 by striking out the whole of said section and substituting therefor the following: SECT. 2. If any state exempts deposits in savings banks or in savings departments of trust companies in this state, including interest thereon, to owners residing in that state, the provisions of this act shall not apply to deposits in savings banks and savings departments of trust companies and interest thereon in that state.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved February 27, 1923.]

CHAPTER 6.

AN ACT TO AUTHORIZE LICENSING PUBLIC UTILITIES TO EXERCISE RIGHTS
ON PUBLIC LANDS.

SECTION

1. Public utility may be licensed to construct pipe line, conduit, line of poles, and towers for wires across public lands.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Public utility may be licensed to construct pipe line, conduit, line of poles, and towers for wires across public lands.

SECTION 1. The governor and council are hereby authorized to grant and from time to time to renew to any public utility, subject to supervision under chapter 164 of the Laws of 1911 as amended, license to construct a pipe line or conduit or a line of poles and towers and wires and fixtures thereon over and across any of the lands owned by this state for such term not exceeding twenty years and for such consideration as they may determine. Any such license for a definite term shall be evidenced by deed executed in the name of the state by the governor and attested by the secretary of state and recorded in the county where the property is situate. Any consideration payable under the terms of any such license shall be paid to the state treasurer as a part of the general funds of the state. It shall be the duty of the public service commission, upon request of the governor and council, to advise them in writing as to the advisability of granting any such license and as to the terms and conditions thereof necessary for the protection of the interests of the state.

Takes effect on passage.

SECT. 2. This act shall take effect on its passage.

[Approved February 27, 1923.]

CHAPTER 7.

AN ACT TO AUTHORIZE THE DISCONTINUANCE OF STATE HIGHWAYS.

SECTION

1. State highway may be discontinued by governor and council.
2. Hearing and notice.
3. Record of order of discontinuance.

SECTION

4. Assessment of damages.
5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The governor and council, after notice and hearing as herein provided, are hereby authorized to discontinue any state highway or any portion thereof which in their judgment is no longer required for public use and benefit.

SECT. 2. No state highway or any portion thereof shall be discontinued until after hearing by the governor and council at a time and place stated in notice thereof to be published in one or more newspapers printed in the county in which such highway is located at least three times, the last publication to be not less than fourteen days prior to the date of hearing. All persons interested shall be entitled to be heard.

SECT. 3. The order of the governor and council discontinuing any such highway or portion thereof shall be duly recorded in the office of the secretary of state.

SECT. 4. If any person shall sustain damage by the discontinuance of any such highway or portion thereof he may petition to the superior court for assessment of his damages; and like proceedings shall be had thereon as in the case of assessing damages for laying out a highway.

SECT. 5. This act shall take effect on its passage.

[Approved February 27, 1923.]

CHAPTER 8.

AN ACT IN AMENDMENT OF SECTION 1 OF THE BUSINESS CORPORATION
LAW.

SECTION

1. Definition of term "business corporation" as used in this act.
2. This amendment to be retroactive.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Definition of term
"business corpora-
tion" as used in
this act.

SECTION 1. Section 1 of the Business Corporation Law, being chapter 92 of the Laws of 1919 as amended by chapter 97 of the Laws of 1921, is hereby amended by inserting at the end of the second sentence in said section the following words: but such term shall not include corporations now or hereafter established for any purpose specified in the exception contained in section 2 of this act, so that said section as amended shall read as follows: SECTION 1. This act may be cited as the Business Corporation Law. The term "business corporation" as used in this act shall mean any corporation having a capital stock and established for the purpose of carrying on business for profit; but such term shall not include corporations now or hereafter established for any purpose specified in the exception contained in section 2 of this act. The words "such corporation" in this act shall mean a business corporation organized under this act or which may become subject to its provisions in the manner hereinafter provided. Voluntary business corporations shall hereafter be organized only in accordance with the provisions of this act. The term "organization meeting" shall mean the first meeting of the incorporators and any adjournments thereof.

This amendment
to be retroactive.

SECT. 2. Said section 1 of the Business Corporation Law shall be construed in all cases as if the amendment thereto made by the preceding section of this act had been incorporated therein when said section 1 was originally enacted.

Takes effect on
passage.

SECT. 3. This act shall take effect upon its passage.

[Approved March 7, 1923.]

CHAPTER 9.

AN ACT IN AMENDMENT OF SECTION 40 OF THE BUSINESS CORPORATION
LAW.

SECTION

1. Business corporations may bring themselves by vote under provisions of this act; procedure and certificate; fee; prior liability unaffected hereby; penalty for false statement in certificate.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 40 of the Business Corporation Law, being chapter 92 of the Laws of 1919 as amended by chapter 97 of the Laws of 1921, is hereby amended by striking out said section and inserting in place thereof the following: SECT. 40. Every corporation chartered by the legislature or organized under the laws of this state, whose objects of incorporation are such as may be exercised by a business corporation under the provisions of this act, may avail itself of the provisions of this act and may bring itself and its stockholders, directors and officers under its provisions so far as applicable, by vote of holders of two-thirds of its stock present or represented by proxy, and voting at a meeting duly called for the purpose, adopting the provisions of this act, and by complying with the other provisions of this section. The corporation shall cause a copy of the vote adopting the provisions of this act, attested by its clerk, to be recorded in the office of the secretary of state, together with a certificate signed and sworn to by its president and treasurer, and at least a majority of its directors, setting forth (a) the total amount of its capital stock authorized; (b) the amount of its stock issued and outstanding; (c) the net value of its property, rights and franchises in excess of its indebtedness; and (d) a balance sheet showing its assets and liabilities at the close of its last fiscal year. Said corporation shall also record with the secretary of state a supplementary statement of any other material facts which may be required by the attorney-general or the assistant attorney-general. It shall be the duty of the attorney-general or assistant attorney-general within thirty days after the filing of such certificate or supplementary statement, to examine the charter or articles of association of the corporation, the copy of the vote adopting the provisions of this act, and the certificate and supplementary statement provided for by this section, and if the facts therein stated show that the net value of the property, rights and franchises of said corporation in excess

Business corporations may bring themselves by vote under provisions of this act; procedure and certificate; fee; prior liability unaffected hereby; penalty for false statement in certificate.

of its indebtedness at least equals the par value of its outstanding stock, and that the objects of the corporation are such as may be exercised by a business corporation under the provisions of this act, he shall record his certificate thereof with the secretary of state. The corporation shall thereupon pay to the secretary of state a certification fee determined by its total authorized capital stock at the rate prescribed in section 37; and upon and after the payment of such fee, the corporation, and its stockholders, officers and directors shall be entitled to the powers, privileges and immunities and be subject to the duties, liabilities and obligations provided by this act and not otherwise, in all respects as if said corporation were organized under the provisions hereof on the date of such payment; *provided, however*, that any liability of such corporation or its stockholders, officers or directors or any of them, existing on said date, under or by virtue of any other law or statute of this state, shall not be affected. Any person who shall subscribe or make oath to any certificate provided for by this section, which shall contain any false statement, known by such person to be false, shall upon conviction thereof be fined not exceeding five thousand dollars or imprisoned not exceeding five years or both, and shall also be individually liable to any stockholder of the corporation or other person for actual damages caused by or sustained by reason of such false statement.

Takes effect on
passage.

SECT. 2. This act shall take effect on its passage.

[Approved March 7, 1923.]

CHAPTER 10.

AN ACT IN AMENDMENT OF CHAPTER 186 OF THE PUBLIC STATUTES RELATING TO WILLS.

SECTION

1. Married persons including married woman under twenty-one may make will.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Married persons
including married
woman under
twenty-one may
make will.

SECTION 1. Amend section 1 of chapter 186 of the Public Statutes by inserting after the words "every person of the age of twenty-one years" the words and married persons under that age, so that said section when amended shall read as follows: SECTION 1. Every person of the age of twenty-one years and married

persons under that age, of sane mind, may devise and dispose of their property, real and personal, and of any right or interest they may have in any property by their last will in writing. "Every person" shall be construed to include a married woman.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved March 7, 1923.]

CHAPTER 11.

AN ACT CONCERNING THE TRANSFER OF BODIES FROM ONE TOWN TO ANOTHER.

SECTION

1. Licensed embalmer may transfer body to another town for preparation for burial.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Any licensed embalmer may transfer the body of any deceased person to another town for preparation for burial or cremation, *provided* death was not sudden, the result of violence or of a communicable disease other than tuberculosis or pneumonia and *provided* such body shall be returned to the town in which death occurred within eighteen hours, or *provided* a permit for permanent removal, as required under the provisions of chapter 173 of the Public Statutes, has been secured within said time. Such temporary transfer shall be made by licensed embalmers only and such licensed embalmer shall leave, in writing, with the institution from which or the person from whom any such body is received, on forms supplied by the state board of health, his name and address, license number and date and hour such body was delivered to him. Any body for which a burial or removal permit has been secured in accordance with the provisions of chapter 173 of the Public Statutes, excepting the body of any person whose death occurred while suffering from any communicable disease other than tuberculosis and pneumonia, may be taken through or into another town for funeral services without additional permits.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved March 7, 1923.]

CHAPTER 12.

AN ACT IN AMENDMENT OF SECTION 10 OF CHAPTER 152 OF THE PUBLIC
STATUTES, RELATING TO RELIGIOUS SOCIETIES.

SECTION

1. Limitation of income of grant or
donation to church.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*Limitation of in-
come of grant or
donation to
church.SECTION 1. Amend section 10 of chapter 152 of the Public
Statutes by inserting in place of the words "five thousand dollars"
the words seventy-five hundred dollars, so that said section as
amended shall read as follows: SECT. 10. The income of any
grant or donation made to or for the use of a church shall not
exceed seventy-five hundred dollars a year exclusive of the income
of any parsonage land granted to or for the use of the ministry.Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved March 7, 1923.]

CHAPTER 13.

AN ACT IN AMENDMENT OF CHAPTER 148 OF THE LAWS OF 1915,
ENTITLED "AN ACT RELATING TO ACTIONS FOR PERSONAL INJURIES."

SECTION

1. In tort for injuries to personal
property, contributory negligence
a defense.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*In tort for in-
juries to personal
property, contribu-
tory negligence
a defense.SECTION 1. Chapter 148 of the Laws of 1915 is hereby amended
by striking out the first section thereof, and substituting therefor
the following: SECTION 1. In all actions of tort for personal injury
or injury to personal property, caused by negligence, contributory
negligence on the part of the plaintiff shall be a defense, and the
burden of proving the same shall be upon the defendant.Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved March 7, 1923.]

CHAPTER 14.

AN ACT TO CREATE A STATE PIER COMMISSION.

SECTION

1. State pier commission established.
2. Commission to serve without pay; report.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. There is hereby created a commission to consist of three members, to be appointed by the governor and council, who shall investigate the expediency, feasibility and cost of erecting at Portsmouth a state pier. State pier commission established.

SECT. 2. Said commission shall serve without pay and shall investigate thoroughly in the premises and report their findings to the next legislature, and shall incur no expense for the state to pay. Commission to serve without pay: report.

SECT. 3. This act shall take effect upon its passage. Takes effect on passage.

[Approved March 7, 1923.]

CHAPTER 15.

AN ACT IN AMENDMENT OF SUBDIVISION XIII, SECTION 10, CHAPTER 50, OF THE PUBLIC STATUTES, RELATING TO POWERS OF CITY COUNCILS.

SECTION

1. Garbage and waste material, authorization for collection, removal and destruction of.

SECTION

2. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend subsection XIII, section 10, chapter 50, of the Public Statutes, by striking out the period after the word "city" in the last line of said subsection, and inserting in place thereof a semicolon, and by adding the following words to authorize and provide for the collection, removal and destruction of garbage and other waste material, to make necessary regulations relative thereto, and to provide for payment therefor by assessment, appropriation, or by both, so that said subsection as amended shall read as follows: XIII. To abate and remove nuisances; to regulate the location and construction of slaughterhouses, tallow-chandlers' shops, soap factories, tanneries, stables, barns, privies, Garbage and waste material. authorization for collection, removal and destruction of.

sewers, and other unwholesome or nauseous buildings or places, and the abatement, removal, or purification of the same by the owner or occupant; to prohibit any person from bringing, depositing, or having within the city any dead carcass or other unwholesome substance; to provide for the removal or destruction, by any person who shall have the same upon or near his premises, of any such substance, or any putrid or unsound beef, pork, fish, hides, or skins, and, on his default, to authorize the removal or destruction thereof by some officer of the city; to authorize and provide for the collection, removal and destruction of garbage and other waste material, to make necessary regulations relative thereto, and to provide for payment therefor by assessment, appropriation, or by both.

Repealing clause;
takes effect on
passage.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect upon its passage.

[Approved March 21, 1923.]

CHAPTER 16.

AN ACT AMENDING SECTION 10 OF CHAPTER 79 OF THE PUBLIC STATUTES, ENABLING TOWNS AND VILLAGE DISTRICTS TO ESTABLISH BOARDS OF SEWER COMMISSIONERS.

SECTION

1. Sewer commissioners, board of, how established; election of commissioners; compensation.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Sewer commis-
sioners,
board of, how
established; elec-
tion of commis-
sioners; compen-
sation.

SECTION 1. Amend section 10 of chapter 79 of the Public Statutes by inserting, at the end thereof, the following: Any town or village district which has heretofore adopted, or which may hereafter adopt, the provisions of this chapter as herein provided, may, at the time of such adoption or thereafterwards, vote to establish a board of sewer commissioners, consisting of three members, which board shall perform all the duties and possess all the powers in the town or district otherwise hereby conferred upon the selectmen. At the annual town or district meeting when such board is established, there shall be chosen, by ballot and by major vote, three sewer commissioners, one to hold office for three years, one for two years, and one for one year, and thereafter, at every annual

meeting, one commissioner shall be so chosen to hold office for three years; *provided, however*, that such election shall be by plurality vote in towns or districts which, under existing laws, elect officers in that manner. Vacancies in the board, whether from failure to elect or otherwise, shall be filled in towns, by the selectmen of the town, and in village districts, by the commissioners of the district. Any member of the board so chosen to fill a vacancy shall hold office until the next annual meeting. The compensation of such board of sewer commissioners shall be fixed in towns, by the selectmen, and in village districts, by the commissioners of the district, so that said section as thus amended shall read as follows: SECT. 10. The provisions of this chapter shall be in force in such towns and village districts as may adopt the same; and the selectmen shall perform all the duties and possess all the powers in the town or the district, as the case may be, conferred by this chapter upon the mayor and aldermen, and the rights of all parties interested shall be settled in the same way. Any town or village district which has heretofore adopted, or which may hereafter adopt, the provisions of this chapter as herein provided, may, at the time of such adoption or thereafter, vote to establish a board of sewer commissioners, consisting of three members, which board shall perform all the duties and possess all the powers in the town or district otherwise hereby conferred upon the selectmen. At the annual town or district meeting when such board is established, there shall be chosen, by ballot and by major vote, three sewer commissioners, one to hold office for three years, one for two years, and one for one year, and thereafter, at every annual meeting, one commissioner shall be so chosen to hold office for three years; *provided, however*, that such election shall be by plurality vote in towns or districts which, under existing laws, elect officers in that manner. Vacancies in the board, whether from failure to elect or otherwise, shall be filled in towns, by the selectmen of the town, and in village districts, by the commissioners of the district. Any member of the board so chosen to fill a vacancy shall hold office until the next annual meeting. The compensation of such board of sewer commissioners shall be fixed in towns, by the selectmen, and in village districts, by the commissioners of the district.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved March 21, 1923.]

CHAPTER 17.

AN ACT IN AMENDMENT OF CHAPTER 7 OF THE SESSION LAWS OF 1907,
CONCERNING HOLIDAYS.

SECTION

1. Repeal of Laws of 1907, chapter 7, section 1, making biennial elections legal holidays not applicable to public schools.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Repeal of Laws of 1907, chapter 7, section 1, making biennial elections legal holidays not applicable to public schools.

Takes effect on passage.

SECTION 1. Section 1 of chapter 7, session Laws of 1907, which reads as follows: "SECTION 1. The provision in chapter 11 of the session Laws of 1899 making 'the day on which biennial elections are held' a legal holiday shall not apply to any of the public schools of the state," is hereby repealed.

SECT. 2. This act shall take effect upon its passage.

[Approved March 21, 1923.]

CHAPTER 18.

AN ACT TO REGULATE THE ISSUING OF HUNTING LICENSES.

SECTION

1. License may be granted to persons sixteen years of age or over.

SECTION

2. Takes effect January 1, 1924.

Be it enacted by the Senate and House of Representatives in General Court convened:

License may be granted to persons sixteen years of age or over.

SECTION 1. Amend section 55, chapter 133, Laws of 1915, as amended by section 20, chapter 184, Laws of 1917, by striking out after the word "over" in the fourth line of said section the following: "and to persons under sixteen years of age with the consent in writing of the parent or guardian of such child. No such license shall be granted to any child under thirteen years of age," and by striking out the word "thirteen" in the seventh line of said section and inserting in place thereof the word sixteen, so that the first paragraph of said section, as amended shall read as follows: SECT. 55. Such license shall be issued by the commission or by agents, under such rules and regulations, and in such form as may be prescribed by the commission, to persons sixteen years

of age or over; *provided, however*, that a child under sixteen may hunt without a license when accompanied by parent or guardian who has secured a license according to the provisions of this act. Any child, resident or nonresident, under the age of sixteen and any woman, resident or nonresident, may take and kill fresh water fish without procuring a license so to do. The state treasurer shall supply the commission with books containing consecutively numbered licenses having duplicate stubs, upon which shall be recorded the date when the license was issued, and the name of the person to whom issued. Such license shall contain the name, age, color of hair and eyes, and residence of the licensee. The applicant shall fill out and subscribe to a blank to be furnished by the commission to said agent and pay him the following fees:

SECT. 2. This act shall take effect January 1, 1924.

Takes effect
January 1, 1924.

[Approved March 21, 1923.]

CHAPTER 19.

AN ACT IN RELATION TO THE ISSUING OF HUNTING LICENSES.

SECTION

1. Suspension or revocation of licenses.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 55, chapter 133, Laws of 1915 as amended by section 20, chapter 184, Laws of 1917, section 1, chapter 146, Laws of 1919 and section 1, chapter 93, Laws of 1921, by adding at the end of said section one new paragraph (g) which shall read as follows: (g) The commission shall have power and authority to suspend or revoke the license of any person who has been convicted of a violation of any law relating to fish and game. Such license must be revoked within three months after the conviction and such revocation shall end with the calendar year in which the license is revoked.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved March 21, 1923.]

CHAPTER 20.

AN ACT IN RELATION TO MIGRATORY BIRDS.

SECTION

1. Restrictions as to manner of taking certain species of birds.

SECTION

2. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Restrictions as to manner of taking certain species of birds.

SECTION 1. Amend paragraph (c) of section 22, chapter 133, Laws of 1915 by striking out all of said paragraph and inserting in place thereof a new paragraph as follows: (c) Any of the species mentioned in section 21 and section 22 shall not be taken from a boat propelled otherwise than by hand, nor with the aid of a jack or other light, nor between sunset in the evening and one-half hour before sunrise in the morning. The presence of a person upon the public waters of the state or the shores thereof after sundown and before one-half hour before sunrise, possessed of a firearm and jack or other light, shall be presumptive evidence that he has violated the provisions of this section.

Repealing clause; takes effect on passage.

SECT. 2. All acts or parts of acts inconsistent with this act are hereby repealed and this act shall take effect on its passage.

[Approved March 21, 1923.]

CHAPTER 21.

AN ACT TO PROHIBIT FISHING THROUGH THE ICE IN THE TOWN OF STODDARD.

SECTION

1. Fishing through ice in certain waters of Stoddard and Washington prohibited for five years.

SECTION

2. Penalty for violation.
3. Takes effect March 28, 1924.

Be it enacted by the Senate and House of Representatives in General Court convened:

Fishing through ice in certain waters of Stoddard and Washington prohibited for five years.

SECTION 1. All persons are prohibited from fishing through the ice for a period of five years from March 28, 1924 in the following waters: Robb reservoir and Island Pond in the town of Stoddard and Long Pond in Stoddard and Washington.

Penalty for violation.

SECT. 2. Any person violating the provisions of this act shall be fined ten dollars.

Takes effect March 28, 1924.

SECT. 3. This act shall take effect March 28, 1924.

[Approved March 28, 1923.]

CHAPTER 22.

AN ACT RELATING TO THE TAXATION OF NATIONAL BANK STOCK.

SECTION

1. National banks to be taxed 1% on capital stock; how to be paid by bank; lien of bank.
2. Cashier to make annual return to assessors of holdings of stockholders.

SECTION

3. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Every national bank annually shall pay a tax of one per cent. on the par value of its capital stock after deducting therefrom the value of all real estate owned by the corporation, and such tax shall be paid by the bank to the towns or cities where the stockholders reside in proportion to the amount owned by the stockholders of each town or city, but such portion of said tax as is represented by shares owned by persons residing out of this state shall be paid to the town or city where the bank is located. Such tax shall be paid by the bank to the collectors or other persons authorized to collect the taxes of cities or towns entitled to share in said tax at the time in each year when the other taxes assessed in said cities or towns become due. The bank shall have a lien on each share thereof for its proportion of said tax. The persons or corporations who appear from the records of said banks to be the owners of shares at the close of the business day next preceding the first day of April in each year shall be taken and deemed to be the owners thereof for the purposes of this act.

SECT. 2. The cashier of every such bank shall, on or before the tenth day of April in each year, send by mail, to the selectmen or assessors of the several towns in the state in which any of its stockholders resided on the first day of that month, a list of such stockholders, stating the number of shares owned by each and the par value of such shares, the total par value of the capital stock and the value of the real estate to be deducted therefrom and the proportionate value of each share after such deduction, and to the selectmen or assessors of the town in which the bank is located a like list of stockholders not resident in this state, such statements to be under oath.

SECT. 3. Sections 1, 2, 3 and 4, of chapter 113, Laws of 1895, are hereby repealed, and this act shall take effect upon its passage.

[Approved March 29, 1923.]

CHAPTER 23.

AN ACT RELATING TO TRESPASSES UPON IMPROVED LAND.

SECTION

1. Trespasses on orchards, etc., or improved land and destruction of trees, etc., or carrying away of stock or products, punished.
2. Unlawful entry upon orchard, etc., or improved land, with intent to destroy trees, etc., or to steal stock or products, etc., punished.

SECTION

3. Arrest on view, without warrant.
4. Wilfully destroying, etc., notice against trespassing, punished.
5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Trespasses on orchards, etc., or improved land and destruction of trees, etc., or carrying away of stock or products, punished.

SECTION 1. Whoever wilfully or without right enters the orchard, nursery, garden, or upon the improved land of another, and destroys or injures any tree, shrub, vine, or steals, takes or carries away live stock, poultry, fruit, vegetables, or other product there growing or being, shall be punished by a fine of not less than twenty-five dollars or by imprisonment for not less than thirty days, or both; and if the offense is committed by any person with the aid of a motor vehicle to convey him or them to or from the premises above described or to convey away any of the material stolen or taken, the license of the owner, unless proved to be that of an innocent party, shall be revoked for a period of one year in addition to the foregoing penalties.

Unlawful entry upon orchard, etc., or improved land, with intent to destroy trees, etc., or to steal stock or products, etc., punished.

SECT. 2. Whoever wilfully or without right enters the orchard, nursery, garden or other improved land of another with intent to destroy or injure any tree, shrub, vine or to steal any poultry, live stock, grain, fruit, vegetables, or other product there growing or being, shall be punished by a fine of not less than twenty-five dollars or by imprisonment for not less than thirty days, or both; and if the offense is committed by any person with the aid of a motor vehicle to convey him or them to or from the premises above described, or to convey away any of the material stolen or taken, the license of the owner, unless proven to be that of an innocent party, shall be revoked for a period of one year in addition to the foregoing penalties.

Arrest on view, without warrant.

SECT. 3. A sheriff, deputy sheriff, constable, police officer, any conservator of the peace, watchman or any private person, shall have the power, upon viewing the commission of any offense named in this act, to arrest such offender or offenders without a warrant and commit him or them to jail, a police station or other place of detention until a complaint and warrant can be made, sworn to and served upon such offender or offenders. Said offender or offenders shall be arraigned in some proper court within twenty-four hours, Sundays and holidays excepted.

SECT. 4. Whoever wilfully tears down, removes or defaces any notice posted on land by the owner, lessee or custodian thereof, warning persons not to trespass thereon, shall be punished by a fine of not more than twenty-five dollars.

Wilfully destroy-
ing, etc., notice
against trespass-
ing, punished.

SECT. 5. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved April 5, 1923.]

CHAPTER 24.

AN ACT IN AMENDMENT OF SECTION 18, CHAPTER 119, OF THE SESSION LAWS OF 1921, RELATING TO OPERATING MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

SECTION

1. Operation of motor vehicle recklessly or while under influence of intoxicating liquor, etc., punished; revocation of license.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 18 of chapter 119 of the session Laws of 1921 by striking out all of said section and inserting a new section in place thereof as follows: SECT. 18. Whoever upon any way operates a vehicle recklessly or while under the influence of intoxicating liquor, or so that the lives or safety of the public might be endangered, or upon a bet, wager, or race, or who operates a vehicle for the purpose of making a record, and thereby violates any of the provisions of section 13 of this act or any special regulations made under the authority conferred by section 14 of this act shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both, and for a second offense he shall be punished by imprisonment not less than one month and not exceeding one year. A conviction of a violation of this section shall be reported forthwith by the court or trial justice to the commissioner, who shall revoke immediately the license of the person so convicted and the commissioner may revoke the license of any person who shall be convicted of a similar offense by a court of any other state. Whenever any person so convicted appeals, the said commissioner shall suspend forthwith the license of the person so convicted and shall order him to deliver his license to said commissioner, and shall not reissue said license until said person is acquitted in a court having jurisdiction of the offense charged. No new license or certificate shall be issued by said

Operation of
motor vehicle
recklessly or
while under
influence of in-
toxicating liquor,
etc., punished;
revocation of
license.

commissioner to any person convicted of operating a vehicle while under the influence of intoxicating liquor within six months after the date of such final conviction, and then only upon satisfactory evidence that the interests of the public will not be jeopardized thereby, and no license or certificate shall be issued to any one convicted of any of the other provisions of this section until after sixty days from the date of such final conviction.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 5, 1923.]

CHAPTER 25.

AN ACT PERMITTING THE COLLECTION OF BIRDS, THEIR NESTS AND EGGS, WILD ANIMALS AND FISH, FOR SCIENTIFIC PURPOSES.

SECTION

1. Birds, their nests and eggs, etc., may be taken on permit, for scientific purposes.
2. Application for permit, how to be made.

SECTION

3. Qualification of applicants; expiration of permit; permit not transferable; when revocable.
4. Penalty for violation of act.
5. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Birds, their nests and eggs, etc., may be taken on permit, for scientific purposes.

SECTION 1. A person may take, in any manner and at any time, birds, their nests and eggs, wild animals and fish, for scientific purposes when authorized by a permit issued by the fish and game commissioner, which permit the holder shall carry on his person when he is collecting specimens thereunder and shall exhibit to any person requesting to see the same.

Application for permit, how to be made.

SECT. 2. Application for a permit must be addressed to the fish and game commissioner at Concord and must contain information in regard to name, address, and age of applicant and the purposes for which the specimens are intended, and such other information as said commissioner may require. The application may be in the following form:

I petition for a permit to take specimens in the State of New Hampshire, said specimens to be used for the following purposes:

I present herewith the certificate required from a well-known and recognized educational institution, and agree that if such permit is issued I will comply with all the provisions of the Migratory-Bird Treaty Act and the regulations thereunder.

Dated at.....this.....day of.....19.....

Name of Applicant.

Each application must be accompanied by a certificate from a recognized educational institution that the applicant is a fit person to be entrusted with a permit and such other references as said commissioner may require. The certificate may be in the following form:

.....19.....
I, the undersigned, hereby certify that I have personally known
.....of..... who
subscribed to the foregoing application, for.....years last past,
and that he is a person of good moral character, and a fit person
to be entrusted with a permit to collect, buy, sell, and transport
birds and their nests and eggs for scientific purposes in accordance
with the provisions of the law.....etc.....

Name in full.....

Post Office Address.....

SECT. 3. The applicant must also hold such permit as is re-
quired under federal laws. Each permit shall expire on the thirty-
first day of December succeeding its issuance unless specified
therein, shall not be transferable and shall be revocable at the dis-
cretion of the fish and game commissioner.

Qualification of
applicants;
expiration of
permit; permit
not transferable;
when revocable.

SECT. 4. If any person shall violate the provisions of this act,
he shall be punishable by fine of not less than ten (10) dollars and
not more than fifty (50) dollars for each violation.

Penalty for
violation of
act.

SECT. 5. Section 27, chapter 184, Laws of 1917 and chapter
276, Laws of 1919 and all other acts or parts of acts inconsistent
with this act are hereby repealed, and this act shall take effect on
its passage.

Repealing
clause; takes
effect on pas-
sage.

[Approved April 5, 1923.]

CHAPTER 26.

AN ACT RELATING TO THE TAKING OF DEER.

SECTION

1. Deer, not to be taken by aid of dog, jack, etc., nor otherwise than by shotgun loaded with single ball, in certain counties.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Deer, not to be taken by aid of dog, jack, etc., nor otherwise than by shotgun loaded with single ball, in certain counties.

SECTION 1. Amend section 14 (c) of chapter 133 Laws of 1915, as amended by chapter 184 of the Laws of 1917 and as amended by chapter 152 of the Laws of 1919 and as amended by section 2, chapter 140 of the Laws of 1921 by striking out the whole thereof and inserting the following so that said paragraph shall read: (c) Wild deer shall not be taken with the aid of, or by the use of a dog, jack, artificial light, trap, snare, or salt lick; nor shall wild deer be taken by the use of any firearm other than a shotgun loaded with a single ball, or loose buckshot within the counties of Hillsborough, Rockingham, Belknap or Merrimack, with the following exceptions: The towns of Windsor, Hillsborough, Bennington, Deering, Francestown, Weare, Antrim, Hancock, Greenfield, New Boston, Lyndeborough, Temple, Sharon, New Ipswich, Greenville, Mason, Wilton and Peterborough in the county of Hillsborough; the towns of Andover, Wilmot, Danbury, Canterbury, Hill, New London, Sutton, Bradford, Warner, Salisbury, Newbury, Webster, Allenstown, Loudon, Pittsfield, Epsom, Boscowen, Hopkinton, Dunbarton, Bow, Northfield and Henniker in the county of Merrimack; and the towns of Sanbornton, Alton, Gilmanton, Barnstead, Belmont, Meredith, Center Harbor and New Hampton, in the county of Belknap; and the towns of Candia, Auburn, Deerfield, Northwood, Nottingham, Raymond, Epping, Sandown, and Fremont in the county of Rockingham.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 5, 1923.]

CHAPTER 27.

AN ACT TO AUTHORIZE TOWNS TO RAISE MONEY TOWARDS THE SUPPORT
OF A RESIDENT PHYSICIAN.

SECTION

1. Towns authorized to maintain resident physician.

SECTION

2. Resident physician, how to be paid.
3. Takes effect on passage; legalization of prior appropriations.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Towns may at any annual meeting vote to raise such sum of money as they may deem necessary towards the support of a resident physician in such towns which in the absence of such appropriation would be without the services of such physician. Towns authorized to maintain resident physician.

SECT. 2. The amount so appropriated shall be paid out quarterly only to a resident physician upon an order drawn by the selectmen. Resident physician, how to be paid.

SECT. 3. This act shall take effect upon its passage and shall legalize any such appropriation made by any town at the March meeting 1923. Takes effect on passage; legalization of prior appropriations.

[Approved April 5, 1923.]

CHAPTER 28.

AN ACT REPEALING SECTION 11 OF CHAPTER 55 OF THE PUBLIC STATUTES
RELATING TO THE EXEMPTION FROM TAXATION OF MANUFACTURING
ESTABLISHMENTS.

SECTION

1. Statutes authorizing exemption of manufacturing establishments from taxation repealed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 11 of chapter 55 of the Public Statutes, as amended by chapter 166, section 1, of the Laws of 1909, is hereby repealed. *Provided, however,* that this repeal shall not be construed to apply to any exemption granted previous to the passage of this act. Statutes authorizing exemption of manufacturing establishments from taxation repealed.

SECT. 2. This act shall take effect upon its passage. Takes effect on passage.

[Approved April 5, 1923.]

CHAPTER 29.

AN ACT IN AMENDMENT OF CHAPTER 109, SESSION LAWS OF 1915, "AN ACT TO PROVIDE FOR THE INCORPORATION AND MANAGEMENT OF TRUST COMPANIES AND SIMILAR CORPORATIONS."

SECTION

1. Capitalization of trust companies to be not less than certain amounts, dependent upon size of town or city.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Capitalization of trust companies to be not less than certain amounts, dependent upon size of town or city.

SECTION 1. Amend section 10 of chapter 109 of the session Laws of 1915 by striking out said section and inserting the following in place thereof: SECT. 10. The capital stock of such corporation shall in no event be less than twenty-five thousand dollars, and in towns and cities of more than four thousand inhabitants it shall not be less than fifty thousand dollars; and in towns and cities of more than ten thousand inhabitants it shall not be less than one hundred thousand dollars; and in towns and cities of more than fifty thousand inhabitants it shall not be less than two hundred thousand dollars, and in no event shall the capital stock exceed five hundred thousand dollars, divided into shares of one hundred dollars each.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 5, 1923.]

CHAPTER 30.

AN ACT RELATING TO THE FEES OF SHERIFFS AND DEPUTY SHERIFFS.

SECTION

1. Sheriffs' fees; various fees authorized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Sheriffs' fees; various fees authorized.

SECTION 1. Amend section 16, chapter 287 of the Public Statutes, as amended by section 1, chapter 80, Laws of 1901, section 1, chapter 63, Laws of 1907, section 1, chapter 70, Laws of 1909,

chapters 44 and 102, Laws of 1917, and chapter 114, Laws of 1919, by striking out the words "three" and "four" in the sixth sentence of said section and inserting in place of each the word five, so that said section shall read as follows: SECT. 16. The fees of sheriffs and deputy sheriffs shall be as follows: For the service of every writ, subpoena for every witness named therein, process, notice, or execution, fifty cents. For making an attachment of personal property upon a writ returnable to the superior court, one dollar; upon a writ returnable to a justice of the peace or a police court, fifty cents. For taking bail, to be paid by the person bailed, fifty cents. For actual travel to serve any writ, notice, subpoena process, or execution, to be reckoned from the place of service to the residence of the officer, in no case exceeding fifty miles, and for travel to attend any court, by the order thereof, to be reckoned from the residence of the officer to the court, each mile, each way, ten cents. For levying executions, on the dollar, for the first hundred dollars levied, three cents; for the residue of the sum levied above one hundred and not exceeding three hundred dollars, two cents; for the residue of the sum levied above three hundred dollars, one cent. For each day's actual attendance at the supreme or superior court by order thereof, to be paid out of the county treasury, the sheriff, each day, five dollars; each deputy, five dollars, to be audited and allowed by the court. For attending before a justice or police court, on trials where his presence is required, each day, one dollar. For making copies of writs returnable to the superior court, each, one dollar, and for making copies of writs returnable to police or justice courts, each, fifty cents. For leaving the copy and return required in the attachment of real estate at the dwelling house or office of a town or city clerk, fifty cents.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved April 5, 1923.]

CHAPTER 31.

AN ACT TO AMEND SECTION 21 OF CHAPTER 287 OF THE PUBLIC STATUTES, AS AMENDED BY SECTION 1 OF CHAPTER 78, LAWS OF 1907 AND SECTION 1 OF CHAPTER 136, LAWS OF 1919, RELATING TO PAY OF JURORS.

SECTION

1. Grand and petit jurors' expenses not exceeding \$3 per day to be paid when attending court away from home.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Grand and petit jurors' expenses not exceeding \$3 per day to be paid when attending court away from home.

SECTION 1. Amend section 21 of chapter 287 of the Public Statutes, as amended by section 1 of chapter 78, Laws of 1907, and section 1 of chapter 136, Laws of 1919 by adding at the end of said section the following: Grand and petit jurors when attending court away from home shall be paid their reasonable expenses not exceeding three dollars per day, said expenses to be audited and allowed by the court, so that said section as amended shall read as follows: SECT. 21. Grand and petit jurors shall be paid from the county treasury for each day's attendance four dollars each; for travel to and from court, each mile six cents. Talesmen for each day's attendance four dollars each. Grand and petit jurors when attending court away from home shall be paid their reasonable expenses not exceeding three dollars per day, said expenses to be audited and allowed by the court.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 5, 1923.]

CHAPTER 32.

AN ACT TO AUTHORIZE THE GOVERNOR TO ACCEPT GIFTS OF PERSONAL PROPERTY TO THE STATE.

SECTION

1. Governor may accept gifts of personally to state.

SECTION

2. Execution of necessary instruments authorized.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The governor is hereby authorized and empowered to accept in the name of the state of New Hampshire gifts of personal property made to the state of New Hampshire or for the benefit of its inhabitants. Governor may accept gifts of personally to state.

SECT. 2. The governor may execute such instruments as are necessary to carry out the terms and conditions of gifts in trust of personal property for the benefit of the inhabitants of the state. Execution of necessary instruments authorized.

SECT. 3. This act shall take effect upon its passage.

Takes effect on passage.

[Approved April 5, 1923.]

CHAPTER 33.

AN ACT TO AMEND SECTION 1 OF CHAPTER 40 OF THE LAWS OF 1911, RELATING TO TAXATION OR ASSESSMENT OF LAND.

SECTION

1. Property of another municipality held for water supply not to be taxable, if yielding no rent.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 1 of chapter 40 of the Laws of 1911, by adding after the word "preceding" in the eighth line, the words: legal process to acquire the same, or other, and striking out the word "the," so that said section, as amended, shall read: SECTION 1. Property held by a city, town or precinct in another city or town for the purpose of a water supply, if yielding no rent, shall not be liable to taxation therein, but the city, town or precinct so holding it shall annually pay to the city or town in which such property lies an amount equal to that which Property of another municipality held for water supply not to be taxable, if yielding no rent.

such place would receive for taxes upon the average of the assessed value of such land without buildings or other structures for the three years last preceding legal process to acquire the same, or other acquisition thereof, the valuation for each year being reduced by all abatements thereon; but any part of such land or buildings from which any revenue in the nature of rent is received shall be subject to taxation.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 12, 1923.]

CHAPTER 34.

AN ACT IN AMENDMENT OF CHAPTER 139 OF THE LAWS OF 1919 AS AMENDED BY CHAPTER 23 OF THE LAWS OF 1921 RELATING TO THE TAXATION OF STREET RAILWAYS.

SECTION

1. Laws 1919, c. 139, as amended by Laws 1921, c. 23, amended to extend operation of act to Sept. 15, 1925.

SECTION

2. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Laws 1919, c. 139, as amended by Laws 1921, c. 23, amended to extend operation of act to Sept. 15, 1925.

SECTION 1. Chapter 139 of the Laws of 1919 as amended by chapter 23 of the Laws of 1921 is hereby amended by striking out section 4 of said act as amended and inserting in place thereof the following: SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage, and shall remain in force until September 15, 1925.

Repealing clause; takes effect on passage.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

[Approved April 12, 1923.]

CHAPTER 35.

AN ACT IN AMENDMENT OF CHAPTER 70 OF THE LAWS OF 1921, ENTITLED "AN ACT IMPOSING A TAX UPON THE TRANSFER AT DEATH OF THE PERSONAL PROPERTY OF NONRESIDENTS."

SECTION

1. In taxation of estate of nonresident decedent, what property to be exempt.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 15 of chapter 70 of the Laws of 1921 is hereby amended by adding thereto the following: nor to the deposits in any bank or trust company of a nonresident decedent within the jurisdiction of this state at the time of his, or her, death, so that said section as amended shall read as follows: SECT. 15. The provisions of this act shall not apply to the stock or obligations of a corporation organized under New Hampshire laws, and owned by a nonresident, if, at the time of the death of the owner all the business conducted by the corporation under the authority of its charter (except stockholders' or directors' meetings and the duties performed by the clerk with reference thereto) is actually carried on outside of the state; nor to the deposits in any bank or trust company of a nonresident decedent within the jurisdiction of this state at the time of his, or her, death.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved April 12, 1923.]

CHAPTER 36.

AN ACT TO MAINTAIN THE PURITY OF BUTTER, CREAM AND DAIRY PRODUCTS.

SECTION

1. In advertising or sale of substitute for butter, no use to be made of certain words to deceive purchaser.
2. No person shall manufacture or sell, etc., any milk, etc., to which fat other than milk fat has been added.

SECTION

3. Violation, how punished.
4. Prosecutions to be made under provisions of pure food laws.
5. Takes effect July 1, 1923.

Be it enacted by the Senate and House of Representatives in General Court convened:

In advertising or sale of substitute for butter, no use to be made of certain words to deceive purchaser.

SECTION 1. No person, firm or corporation with intent to deceive shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word butter, cream, dairy, cow, or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combination thereof commonly used in the sale of butter.

No person shall manufacture or sell, etc., any milk, etc., to which fat other than milk fat has been added.

SECT. 2. It shall be unlawful for any person, firm or corporation, by himself, his servant, or agent, or as the servant or agent of another, to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any milk, cream, ice cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat, or oil other than milk fat, either under the name of said products or articles or of any of the derivatives thereof or under any name whatsoever.

Violation, how punished.

SECT. 3. Whoever violates the provisions of this act shall be punished by a fine of not less than one hundred dollars or not more than five hundred dollars for each offense.

Prosecutions to be made under provisions of pure food laws.

SECT. 4. Prosecutions shall be made upon complaint and proper evidence under the provision made for enforcing the general pure food laws.

Takes effect July 1, 1923.

SECT. 5. This act shall take effect on July 1, 1923.

[Approved April 12, 1923.]

CHAPTER 37.

AN ACT RELATIVE TO THE OFFICIAL BOND OF THE TREASURER OF HILLSBOROUGH COUNTY.

SECTION

1. Hillsborough county to pay premium on treasurer's bond.
2. Premium, how to be paid.

SECTION

3. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the county of Hillsborough pay the premium (annual or otherwise) on the bond which the treasurer of Hillsborough county is by law required to give as a guarantee for the faithful performance of his duties. Hillsborough county to pay premium on treasurer's bond.

SECT. 2. The aforesaid premium or premiums shall be paid through an order, drawn for the purpose, by a majority of the board of county commissioners of said Hillsborough county, on the treasurer of said Hillsborough county. Premium, how to be paid.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage. Repealing clause; takes effect on passage.

[Approved April 12, 1923.]

CHAPTER 38.

AN ACT IN AMENDMENT OF CHAPTER 55 OF THE LAWS OF 1919 AS AMENDED BY CHAPTER 120 OF THE LAWS OF 1921 RELATING TO PERMIT FEES ON MOTOR VEHICLES.

SECTION

1. County treasurers to issue permits to persons residing in unincorporated places; fees to be for use of county; fee of county treasurer.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend chapter 55 of the Laws of 1919 as amended by chapter 120 of the Laws of 1921 by inserting a new section 7, and renumbering the sections of said act from section 7, said new section 7 to read as follows: SECT. 7. County treasurers shall receive permit fees and issue permits under this chapter to persons County treasurers to issue permits to persons residing in unincorporated places; fees to be for use of county; fee of county treasurer.

residing in unincorporated places in any county. Such permit fees shall be for the use of the county in which such unincorporated place is situate, except that the county treasurer shall be entitled to receive therefrom twenty-five cents for each permit issued.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 12, 1923.]

CHAPTER 39.

AN ACT FOR THE PROTECTION OF WOODLANDS FROM FIRE DURING PERIODS OF PROTRACTED DROUGHT.

SECTION

1. Governor and council may close woodlands to hunters and fishermen during periods of drought.

SECTION

2. Penalty for violation.
3. Repeal of Laws 1909, c 59; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Governor and council may close woodlands to hunters and fishermen during periods of drought.

SECTION 1. The governor and council, upon the joint recommendation of the fish and game commissioner and the state forester, when in their opinion the danger of starting fires in the woodlands of the state during periods of protracted drought or excessive dryness requires extraordinary precautions, by official proclamation posted and promulgated through the newspapers of the state may declare any and all sections of the woodlands of the state closed to hunters, fishermen and such other persons as they may deem proper under the circumstances, for such time as they may designate.

Penalty for violation.

SECT. 2. Any person who shall violate any order of the governor and council made hereunder shall be punished by a fine of fifty dollars and costs.

Repeal of Laws 1909, c. 59; takes effect on passage.

SECT. 3. Chapter 59 of the Laws of 1909 is hereby repealed and this act shall take effect upon its passage.

[Approved April 12, 1923.]

CHAPTER 40.

AN ACT TO CHANGE THE NAME OF NELSON ALDRICH EDGELL TO THAT
OF STEPHEN MAURICE EDGELL.

SECTION

1. Name of Nelson Aldrich Edgell
changed to that of Stephen
Maurice Edgell.

SECTION

2. Takes effect on passage.

WHEREAS on the twenty-ninth day of October, A. D. 1915, there was born in the town of Warwick, state of Rhode Island, to Stephen Maurice Edgell and Elsie Aldrich Edgell, both of Newport, in the county of Sullivan, and state of New Hampshire, a son who was given the name of Nelson Aldrich Edgell; and

WHEREAS the father, Stephen Maurice Edgell, died on the twenty-first day of June, 1921, leaving property which, by inheritance descended to his said son, Nelson Aldrich Edgell; and

WHEREAS out of respect and love for the memory of her late husband, the said Elsie Aldrich Edgell desires to have the name of her son changed to that of his father, Stephen Maurice Edgell, now therefore

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the name of Nelson Aldrich Edgell be, and hereby is, changed to Stephen Maurice Edgell, the same hereafter to be his lawful name.

SECT. 2. This act shall take effect upon its passage.

Name of Nelson
Aldrich Edgell
changed to that
of Stephen
Maurice Edgell.
Takes effect on
passage.

[Approved April 12, 1923.]

CHAPTER 41.

AN ACT TO PROVIDE FOR A REVISION OF THE PUBLIC LAWS.

SECTION

Commission to revise public laws to be appointed by governor and council; compensation; governor may enter into contract for the work.

SECTION

2. Secretary of commission; stenographic assistants; supplies; authority to contract for printing, binding and indexing its report; office for commission.
3. Appropriations.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Commission to revise public laws to be appointed by governor and council; compensation; governor may enter into contract for the work.

SECTION 1. The governor with the advice of the council shall as soon as may be appoint a commission consisting of three persons learned in the law whose duty it shall be to revise, codify and amend the public laws of this state now in force, including those of the present session, and arrange the same according to the form and order of the Public Statutes as far as they deem wise, and prepare the same for publication before the next session of the legislature and make report to said session. The governor with the advice of the council shall have authority to fill any vacancy occurring in said commission. The compensation of said commissioners shall be fixed by the governor and council and they shall be entitled to receive reimbursement for their expenses. Instead of causing such revision, codification and amendment to be made by a commission as above provided, the governor with the advice of the council is authorized if in their judgment such action may be for the best interests of the state to enter into a contract with a corporation engaged in such business and qualified therefor to revise, codify and amend the public laws in the manner above specified and prepare the same for publication and report to the next session of the legislature; and in connection with such contract to fix the terms and conditions thereof and the price to be paid for such work.

Secretary of commission; stenographic assistants; supplies; authority to contract for printing, binding and indexing its report; office for commission.

SECT. 2. Said commission may appoint a secretary and prescribe his duties; may employ such stenographic and other assistants as they may require; and may fix the compensation of such secretary and such stenographic and other assistants, subject to the approval of the governor and council. Said commission is authorized to purchase supplies and with the approval of the governor and council to contract for printing and binding its report and for making an index thereof. They shall be assigned suitable office space in the state house or state library building.

Appropriations.

SECT. 3. The sum of four thousand dollars for the fiscal year 1922-1923, and the sum of thirteen thousand dollars for each of

the fiscal years 1923-1924 and 1924-1925 are hereby appropriated for the purposes of this act out of any moneys in the treasury not otherwise appropriated; and any sum not expended in either of the first two years may be added to the appropriation for the subsequent years.

SECT. 4. This act shall take effect on its passage.

Takes effect on
passage.

[Approved April 20, 1923.]

CHAPTER 42.

AN ACT IN AMENDMENT OF SECTION 14 OF CHAPTER 192 OF THE PUBLIC STATUTES RELATING TO THE REPORTS OF COMMISSIONERS.

SECTION

1. Commissioners' reports to contain post-office address of all persons whose claims are reported on.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 14 of chapter 192 of the Public Statutes by adding thereto after the word "thereon" in the last line the following: together with the post-office address of all persons whose claims are reported on, so that said section as amended shall read as follows: SECT. 14. At the end of the time limited in the commission, the commissioner shall make his report to the probate office, and present a list of all the claims presented for allowance, and the amounts allowed thereon, together with the post-office address of all persons whose claims are reported on.

Commissioners' reports to contain post-office address of all persons whose claims are reported on.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved April 20, 1923.]

CHAPTER 43.

AN ACT IN AMENDMENT OF SECTION 1 OF CHAPTER 193 OF THE PUBLIC STATUTES RELATING TO THE ACCEPTANCE OF COMMISSIONERS' REPORTS.

SECTION

1. Register of probate to notify creditor of any disallowance of claim and the time for taking appeal; dissatisfied creditor may appeal from commissioner.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Register of probate to notify creditor of any disallowance of claim and the time for taking appeal; dissatisfied creditor may appeal from commissioner.

SECTION 1. Amend section 1 of chapter 193 of the Public Statutes by striking out all of the same, and substituting in place thereof the following: SECTION 1. Forthwith after the acceptance of the commissioner's report, the register of probate shall send by registered mail to each creditor, whose claim has been disallowed in whole or in part, a notice which shall state the date on which said report was accepted and the action taken by the commissioner on such creditor's claim, and that thirty days from the date of said notice is allowed said creditor from which to take an appeal. Any creditor dissatisfied with the decision of the commissioner upon the claim by him exhibited may appeal therefrom, by petition to the judge, filed in the probate office within thirty days from the date of such notice, and shall file therewith a declaration in proper form upon his claim.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 20, 1923.]

CHAPTER 44.

AN ACT DECLARING PUMPS AND TANKS EMPLOYED IN THE DISTRIBUTION AND SALE OF GASOLINE AND OTHER MOTOR VEHICLE FUELS TO BE SUBJECT TO TAXATION.

SECTION

1. Pumps and tanks for sale of gasoline to be taxable in town where kept.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Pumps and tanks employed in the distribution and sale of gasoline and other motor vehicle fuels shall be taxed as personal property in the town where they are kept to the owner or person having the care thereof on the first day of April, whether such person be a resident in the town or not; and the consent of the person having such care to be taxed for the same shall not be necessary, but he shall have a lien on such property for the amount of the tax paid by him.

Pumps and tanks for sale of gasoline to be taxable in town where kept.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved April 20, 1923.]

CHAPTER 45.

AN ACT TO CHANGE THE NAME OF JOHN YOUNG POND IN LYMAN.

SECTION

1. Name of John Young Pond changed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the name of John Young Pond in Lyman be and hereby is changed to Ogontz Lake.

Name of John Young Pond changed.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved April 20, 1923.]

CHAPTER 46.

AN ACT FOR THE PUNISHMENT OF PERSONS ISSUING WORTHLESS CHECKS.

SECTION

1. Uttering of check without sufficient funds and thereby obtaining money or property, when constitutes larceny.

SECTION

2. Penalty for violation of act.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Uttering of check without sufficient funds and thereby obtaining money or property, when constitutes larceny.

SECTION 1. Whoever, with intent to defraud, makes, draws, utters or delivers any check, draft or order for the payment of money upon any bank or other depository, without sufficient funds or credit at such bank or other depository for the payment of such instrument, shall be guilty of attempted larceny, and if money or property is obtained thereby shall be guilty of larceny. As against the maker or drawer thereof, the making, drawing, uttering or delivery of such a check, draft or order, payment of which is refused by the drawee, shall be *prima-facie* evidence of intent to defraud and of knowledge of insufficient funds in, or credit with, such bank or other depository unless the maker or drawer shall have paid the holder thereof the amount due thereon, together with all costs and protest fees, within ten days after receiving notice that such check, draft or order has not been paid by the drawee. The word "credit," as used herein, shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

Penalty for violation of act.

SECT. 2. Any person convicted of any offense mentioned in the above section, shall be fined not exceeding two hundred dollars (\$200) or be imprisoned not exceeding one year or both.

Takes effect on passage.

SECT. 3. This act shall take effect upon its passage.

[Approved April 20, 1923.]

CHAPTER 47.

AN ACT TO REQUIRE THE TEACHING OF THE CONSTITUTIONS OF THE UNITED STATES AND OF NEW HAMPSHIRE IN THE PUBLIC AND PRIVATE SCHOOLS.

SECTION

1. Courses of instruction to be given in the constitution of the United States and constitution of this state.

SECTION

2. In what grades and to what classes courses to be given.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend Laws of 1921, chapter 85, part II, section 2, by striking out these words "that the prescribed textbooks are used, and that the constitutions of this state and of the United States are read aloud at least once in each year of the last course below the high school" and inserting therefor the following: In all public and private schools located within the state of New Hampshire, commencing with the school year next ensuing after the passage of this act, there shall be given regular courses of instruction in the constitutions of the United States and of this state, so that said section as amended shall read: SECT. 2. The school board shall see that the studies prescribed by the state board of education are thoroughly taught, especially physiology and hygiene in so far as it relates to the effect of alcohol and narcotics on the human system. In all public and private schools located within the state of New Hampshire, commencing with the school year next ensuing after the passage of this act, there shall be given regular courses of instruction in the constitutions of the United States and of this state. Any member of the board who neglects or refuses to comply with the provisions of this section shall forfeit two hundred dollars.

SECT. 2. Such instruction in the constitutions of the United States and of this state shall begin not later than the opening of the eighth grade and shall continue in the high school course to an extent to be determined by the state board of education.

[Approved April 20, 1923.]

CHAPTER 48.

AN ACT TO PROVIDE FOR INCREASE OF SALARY FOR SHERIFF OF
HILLSBOROUGH COUNTY.

SECTION

1. Salary to be \$1,000 annually.

SECTION

2. Repealing clause; takes effect as of
April 1, 1923.*Be it enacted by the Senate and House of Representatives in
General Court convened:*Salary to be
\$1,000 annually.SECTION 1. The annual salary of the sheriff of Hillsborough
county shall be one thousand dollars (\$1,000).Repealing clause;
takes effect as
of April 1, 1923.SECT. 2. All acts and parts of acts inconsistent with this act
are hereby repealed and upon its passage this act shall take
effect as of April 1, 1923.

[Approved April 20, 1923.]

CHAPTER 49.

AN ACT RELATING TO THE SALARY OF THE TREASURER OF
HILLSBOROUGH COUNTY.

SECTION

1. Salary of treasurer of Hillsborough
county to be \$1,000.

SECTION

2. Repealing clause; takes effect as
of April 1, 1921.*Be it enacted by the Senate and House of Representatives in
General Court convened:*Salary of
treasurer of
Hillsborough
county to be
\$1,000.SECTION 1. Amend section 19 of chapter 286 of the Public
Statutes, as amended by section 1, chapter 4, Laws of 1899, sec-
tion 1, chapter 43, Laws of 1907, and section 1, chapter 88, Laws
of 1909, by striking out the ninth line of said section and insert-
ing in place thereof the following:

In Hillsborough, ten hundred dollars.

Repealing clause;
takes effect as
of April 1, 1921.SECT. 2. All acts or parts of acts inconsistent with this act
are hereby repealed and this act shall be retroactive and upon
its passage shall take effect as of April 1, 1921, and the treasurer
of said county who held office during the period April 1, 1921, to
April 1, 1923, shall be paid the increase provided for by this act
for such period.

[Approved April 27, 1923.]

CHAPTER 50.

AN ACT RELATING TO THE SALE OF FARM PRODUCE.

SECTION

1. Sale and shipment of farm produce in standard boxes authorized; size of boxes prescribed.
2. Falsely representing box to be standard box, how punished.

SECTION

3. Commissioner of weights and measures to enforce act.
4. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Hereafter it shall be lawful for farm produce to be sold in New Hampshire or shipped from New Hampshire at either wholesale or retail in so-called standard boxes, in original or unbroken form, and such standard boxes shall contain two thousand one hundred sixty-two and eighty-nine one-hundredths cubic inches and shall be of the following dimensions by inside measurements: seventeen and one-half inches in length by seventeen and one-half inches in width and seven and one-sixteenth inches in depth. The New Hampshire standard half box for farm produce sold at wholesale or retail shall contain one thousand eighty-one and fifty-five one-hundredths cubic inches and shall be of the following dimensions by inside measurements: twelve and three-eighths inches in length by twelve and three-eighths inches in width and seven and one-sixteenth inches in depth. When the above specified boxes are made of wood the ends shall be not less than five eighths of an inch in thickness and the sides and bottom not less than three eighths of an inch in thickness. All such boxes and half boxes of the dimensions specified herein shall be marked on at least one outer side in bold, uncondensed capital letters, not less than one inch in height: STANDARD BOX FARM PRODUCE and STANDARD HALF BOX FARM PRODUCE, respectively. Except as above provided, farm produce shall be sold at wholesale or retail by avoirdupois weight, measure or numerical count.

Sale and shipment of farm produce in standard boxes authorized; size of boxes prescribed.

SECT. 2. Whoever represents, by marking or otherwise, any box or half box to be a standard box or standard half box for the sale of farm produce at wholesale or retail, unless such box or half box complies with every specification and requirement of this act, shall be punished by a fine of not more than fifty dollars.

Falsely representing box to be standard box, how punished.

SECT. 3. The commissioner of weights and measures, his inspectors and helpers shall enforce the provisions of this act.

Commissioner of weights and measures to enforce act.

SECT. 4. All acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

Repealing clause; takes effect on passage.

[Approved April 27, 1923.]

CHAPTER 51.

AN ACT IN AMENDMENT OF SUBDIVISION (b), SECTION 28, CHAPTER 133,
LAWS OF 1915, RELATING TO FISH AND GAME.

SECTION

1. Salmon fishing in Big Diamond
Pond regulated.

SECTION

2. Repealing clause; takes effect on
passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Salmon fishing
in Big Diamond
Pond regulated.

SECTION 1. Amend subdivision (b), section 28, chapter 133,
Laws of 1915, by adding at the end thereof the following: Ex-
cept that salmon of not less than ten inches in length may be
taken and possessed from the waters of Big Diamond Pond in
the county of Coos from May twentieth to September first of any
year, so that said subdivision as amended, shall read as follows:
(b) Salmon not less than fifteen inches in length may be taken
and possessed from April fifteenth to September first. Except
that salmon of not less than ten inches in length may be taken
and possessed from the waters of Big Diamond Pond in the
county of Coos from May twentieth to September first of any
year.

Repealing
clause: takes
effect on
passage.

SECT. 2. All acts or parts of acts inconsistent with this act
are hereby repealed and this act shall take effect upon its passage.

[Approved April 27, 1923.]

CHAPTER 52.

AN ACT TO REGULATE THE SHIPMENT OF LIVE STOCK.

SECTION

1. Carriers not to transport live stock
without separation of each kind.
2. "Upper decks" when authorized.
3. Removal of diseased or injured ani-
mals and carcasses of dead ani-
mals.

SECTION

4. Transportation of cattle reacting
to tuberculin test.
5. Penalty for violation of act.
6. Commissioner of agriculture to en-
force act.
7. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Carriers not to
transport live
stock without
separation of
each kind.

SECTION 1. No person shall ship, nor shall any common carrier
transport live stock within this state in mixed carloads unless
different kinds of stock shall be separated, each kind from the

other, by strong partitions, *provided, however*, that milch cows may be shipped not exceeding three calves for one cow, and sheep may be shipped with calves.

SECT. 2. Live stock shall not be transported in "upper decks" unless such decks are constructed with tight floors of adequate strength. "Upper decks" when authorized.

SECT. 3. Animals found to be so far diseased or so badly injured as to be unable to stand, and the carcasses of any which may die or are killed because of disease or injuries, may be removed from the car, reshipped or otherwise disposed of in accordance with rules and regulations of the state board of health. Removal of diseased or injured animals and carcasses of dead animals.

SECT. 4. Cattle which have reacted to tuberculin test shall not be shipped, transported, received for transportation, or otherwise moved for immediate slaughter, unless the following conditions and restrictions are complied with: Transportation of cattle reacting to tuberculin test.

1. The cattle shall be shipped, transported, or moved to an establishment or a public stockyard where state or federal inspection is maintained and shall there be slaughtered under such inspection.

2. The cattle shall be marked for identification by branding the letter T on the left jaw, not less than two nor more than three inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription Reactor.

3. The cattle shall be accompanied to destination by a certificate issued by the state department of agriculture or bureau of animal industry.

4. The transportation companies shall plainly write or stamp upon the face of waybills, conductors' manifests, and memoranda pertaining to such shipment the words Tuberculous Cattle.

SECT. 5. Any person, company or corporation knowingly violating any provision of this act shall be fined not exceeding five hundred dollars (\$500) for each offense. Penalty for violation of act.

SECT. 6. The state commissioner of agriculture, either by himself or his agents, shall have authority to enforce the provisions of this act and for that purpose may, without expense to the state, designate as his agent or agents any officers or agents of the society for the prevention of cruelty to animals. Commissioner of agriculture to enforce act.

SECT. 7. This act shall take effect upon its passage.

Takes effect on passage.

[Approved April 27, 1923.]

CHAPTER 53.

AN ACT TO AMEND PARAGRAPH (a) SECTION 16, CHAPTER 13, LAWS OF 1915, AS AMENDED BY SECTION 11, CHAPTER 152, LAWS OF 1919, RELATING TO GRAY SQUIRRELS.

SECTION

1. Time for protection of gray squirrels extended to Oct. 1, 1929.

SECTION

2. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Time for protection of gray squirrels extended to Oct. 1, 1929.

SECTION 1. Amend paragraph (a) of section 16, chapter 133, Laws of 1915 as amended by section 11, chapter 152, Laws of 1919, by striking out the figures "1924," after the figure "1," in the first line and inserting in the place thereof the figures 1929, so that said paragraph (a) as amended shall read as follows: SECT. 16. (a) After October 1, 1929, gray squirrels may be taken for food and possessed from October first to November first. The owner of farm lands may take at any time and in any number gray squirrels which are doing actual and substantial damage to his annual crops. There shall be no open season on gray squirrels within the thickly settled part of any village or city, or within the limits of any public park or cemetery.

Repealing clause; takes effect on passage.

SECT. 2. All acts or parts of acts inconsistent with this act are hereby repealed and this act shall take effect on its passage.

[Approved April 27, 1923.]

CHAPTER 54.

AN ACT RELATING TO ANTWERP OR HOMING PIGEONS.

SECTION

1. Antwerp or homing pigeons not to be taken if bearing distinguishing mark; such marking not to be removed.

SECTION

2. Penalty for violation.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Antwerp or homing pigeons not to be taken if bearing distinguishing

SECTION 1. No person shall take or interfere with any Antwerp or homing pigeon having the name of its owner stamped upon its wing or tail or wearing a ring or seamless leg band with

its registered number stamped thereon, or any other distinguishing mark; such marking not to be removed.
 ing mark; nor shall any person remove any such distinguishing mark from any such pigeon.

SECT. 2. Any violation of this act shall be punishable by a fine not exceeding fifty dollars. Penalty for violation.

SECT. 3. This act shall take effect on its passage.

Takes effect on passage.

[Approved April 27, 1923.]

CHAPTER 55.

AN ACT TO AMEND THE PRIMARY AND ELECTION LAWS.

SECTION

1. Primary election petitions, when conflicting, to be returned to candidate; supplementary petitions.
2. Declarations of candidacy and primary petitions, when to be filed with secretary of state.

SECTION

3. Nomination papers, when to be filed with secretary of state; after nomination or filing no withdrawal of candidate allowed; procedure on death of candidate after nomination or filing.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend paragraph (5), section 8, chapter 153, Laws of 1909, as inserted by section 4, chapter 179, Laws of 1913, as amended by chapter 95, Laws of 1921, by striking out the word "twenty-one" in the tenth line and inserting in place thereof the word thirty-five, and by striking out the word "twenty-four" in the twelfth line and inserting in place thereof the word thirty-eight, so that said paragraph as amended shall read as follows: (5) In case a voter has signed two or more conflicting primary petitions, all such conflicting petitions shall be rejected. The officer with whom primary petitions are filed shall immediately, on their receipt, proceed to examine the same, and ascertain whether they conform to the provisions of this law. If found not to conform thereto, or to be conflicting, he shall then and there in writing on said petition state the reason why such petition cannot be accepted, and shall within twenty-four hours return the same to the candidate in whose behalf it was filed. In such case, supplementary petitions may be filed, but not later than thirty-five days before the primary for those to be filed with the secretary of state, and all others thirty-eight days.

Primary election petitions, when conflicting, to be returned to candidate; supplementary petitions.

SECT. 2. Amend paragraph (7), section 8, chapter 153, Laws of 1909, as inserted by section 4, chapter 179, Laws of 1913, as

Declarations of candidacy and primary petitions.

tions, when to
be filed with
secretary of
state.

amended by chapter 95, Laws of 1921, by striking out the word "twenty-four" in the second line thereof and inserting in place thereof the word thirty-five, and by striking out the word "twenty-seven" in the third line and inserting in place thereof the word forty, so that said paragraph as amended shall read as follows: (7) Declarations of candidacy and primary petitions to be filed with the secretary of state shall be filed not less than thirty-five days before the date of the primary, and all others forty days, except as provided in paragraph (5) of this section.

Nomination
papers, when to
be filed with
secretary of
state; after
nomination, or
filing no with-
drawal of candi-
date allowed;
procedure on
death of candi-
date, after
nomination or
filing.

SECT. 3. Amend section 6, chapter 78, Laws of 1897, as amended by the Laws of 1921, by striking out the entire section and inserting in place thereof the following: SECT. 6. Nomination papers shall be filed with the secretary of state as follows: Thirty days prior to the day of election for all candidates for any office. The number of days herein given shall include Sundays, and shall end on the day before election at six o'clock in the afternoon. And where a nomination has been made as aforesaid or where a candidate has duly filed according to law for a primary election no withdrawal or declination of a candidate shall be accepted by the secretary of state subsequent to the last dates for filing as hereinbefore stated. *Provided, however,* that in case of the death of any candidate to be voted for at any primary or general election, between the date of nomination or filing and the day of election, a new candidate may be substituted under the authority of the proper committee as the law provides, whose name shall be printed upon the ballots if they have not been printed, but if they have been printed, and time will permit, the secretary of state may cause adhesive slips or pasters with the name of the substitute candidate thereon, to be printed, or authorize the same to be done, and send or cause the same to be sent to the various town or city clerks representing the territory wherein the deceased candidate was to be voted for. Said town or city clerks shall deliver said slips or pasters to the election officers before the opening of the polls, who shall paste them in the proper place on the ballot before it is handed to the voter.

[Approved April 27, 1923.]

CHAPTER 56.

AN ACT RELATING TO THE STATE BOARD OF EDUCATION.

SECTION

1. State board upon nomination of commissioner to appoint and fix terms of employment of deputy commissioners, officers, etc.

SECTION

2. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend Laws of 1921, chapter 85, part I, section 7, by striking out the entire section and substituting therefor: State board upon nomination of commissioner to appoint and fix terms of employment of deputy commissioners, officers, etc.
 SECT. 7. The state board, upon nomination of the commissioner, shall appoint and fix the terms of employment of its deputy commissioners and other officers and employees.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage. Repealing clause; takes effect on passage.

[Approved April 27, 1923.]

CHAPTER 57.

AN ACT RELATIVE TO THE OFFICIAL BONDS OF THE TREASURERS OF COUNTIES.

SECTION

1. Certain counties to pay premiums on bonds of county treasurers.
2. Payment how to be made.

SECTION

3. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the counties of Rockingham, Strafford, Certain counties to pay premiums on bonds of county treasurers. Belknap, Carroll, Merrimack, Cheshire, Sullivan, Grafton and Coös pay the premiums (annual or otherwise) on the bonds which the treasurers of said counties are by law required to give as a guarantee for the faithful performance of their duties.

SECT. 2. The aforesaid premiums shall be paid through an order, drawn for the purpose, by a majority of the board of county commissioners of the respective counties, on the treasurers of said counties. Payment how to be made.

Repealing clause;
takes effect on
passage.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

[Approved May 2, 1923.]

CHAPTER 58.

AN ACT WITH REFERENCE TO LYMAN BRIDGE IN THE TOWN OF MONROE.

SECTION

1. Commissioners to be appointed to arrange for freeing of Lyman bridge from tolls.

SECTION

2. Selectmen of Monroe authorized to execute agreement approved by commissioners.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Commissioners
to be appointed
to arrange for
freeing of
Lyman bridge
from tolls.

SECTION 1. The governor, with the advice and consent of the council, is hereby authorized to appoint three commissioners to act in conjunction with commissioners from the state of Vermont in arranging to free the toll bridge across the Connecticut river known as Lyman bridge, extending between the towns of Monroe, New Hampshire, and Barnet, Vermont. Said commissioners, with the approval of the governor and council, may agree with commissioners from the state of Vermont having authority in said matter as to the division between the state of Vermont and the state of New Hampshire or the town of Monroe of the expense of freeing said bridge and of maintaining the same as a public highway, including liability for damages to persons injured in the use thereof; but the portion of such expense assumed by this state shall not exceed the sum of two thousand dollars appropriated by joint resolution approved March 29, 1923. The selectmen of Monroe or any of them may be appointed as such commissioners.

Selectmen of
Monroe au-
thorized to
execute agree-
ment approved
by commissioners.

SECT. 2. The selectmen of Monroe are hereby authorized to execute on behalf of the town any agreement made or approved by the commissioners appointed under the provisions of section 1 for the purpose of assuming on the part of said town not exceeding one half of the expense of freeing said Lyman bridge and of maintaining the same as a public highway, including liability for damages to persons injured in the use thereof.

Takes effect on
passage.

SECT. 3. This act shall take effect on its passage.

[Approved May 2, 1923.]

CHAPTER 59.

AN ACT TO AUTHORIZE THE CONVEYANCE OF THE INTEREST OF THE STATE IN A CERTAIN PARCEL OF LAND IN THE TOWN OF HAVERHILL TO SAID TOWN.

SECTION 1. Governor with consent of council authorized to deed "Powder House Hill" in Haverhill.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The governor, with the consent of his council, is hereby authorized to deed to the town of Haverhill whatever interest the state now has in a certain tract of land situated in said Haverhill, described in a deed recorded in book 209, page 538, of the Grafton County Land Records, known as "Powder House Hill," containing two acres more or less.

[Approved May 2, 1923.]

CHAPTER 60.

AN ACT IN AMENDMENT OF THE LAWS RELATING TO LEGACY AND SUCCESSION TAXES.

SECTION

1. Abatements, when may be allowed by state treasurer.
2. State treasurer may require production of books to determine liability to taxation and amount.
3. Personal notice to be given treasurer of any proceeding which may affect the tax.

SECTION

4. Administration of legacy and succession tax laws to be under advice and oversight of assistant attorney-general.
5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 12, chapter 40, Laws of 1905, as amended by section 5, chapter 68, Laws of 1907, section 1, chapter 42, Laws of 1911, and section 2, chapter 72, Laws of 1921, by striking out the semicolon in the fifth line and inserting in place thereof a period and by striking out the words "but in the determination of the amount of any tax said state treasurer" and inserting in place thereof the words: In the computation of said taxes the state treasurer may deduct not exceeding two and one-

half per cent. from the value of the personal property and of the real estate sold to pay debts, as an allowance on account of the personal services of the executor or administrator, but otherwise, and by striking out the last sentence of said section and inserting in place thereof the following: The state treasurer may, in his discretion, abate the tax in any case, if it is shown to his satisfaction that the value of the total estate of a decedent is less than three hundred dollars, or if in his opinion the tax is not of sufficient amount to justify the labor and expense of its collection, so that said section as amended shall read as follows: SECT. 12. The state treasurer shall determine the amount of all taxes due and payable under the provisions of this act, and shall certify the amount so due and payable to the executor or administrator, if any, otherwise to the person or persons by whom the tax is payable. In the computation of said taxes the state treasurer may deduct not exceeding two and one-half per cent. from the value of the personal property and of the real estate sold to pay debts, as an allowance on account of the personal services of the executor or administrator, but otherwise shall not be required to consider any payments on account of debts or expenses of administration which have not been allowed by the probate court having jurisdiction of said estate. The amount due upon the claim of any legatee named in the will, or of any person who is or in the absence of a will would be an heir-at-law of a deceased person, arising under a contract made after the passage of this act for board, lodging, support, maintenance, or personal care and attention, covering a period of more than six months, shall be subject to the same tax imposed by this chapter upon a legacy or succession of like amount, except to the extent that such claim is evidenced by a writing signed by the decedent containing an agreement for payment at some specified time or times within the decedent's lifetime. Payment of the amount so certified shall be a discharge of the tax. An executor, administrator, trustee or grantee who is aggrieved by any such determination of the state treasurer and who pays the tax assessed or demanded, without appeal may, within one year after the payment of such tax to the treasurer, but not afterwards, apply to the probate court having jurisdiction of the estate of the decedent for the abatement or repayment of said tax or any part thereof, and if the court adjudges that said tax or any part thereof was wrongfully exacted it shall order the repayment of such portion of said tax as was assessed or demanded without authority of law which said order or decree shall be subject to appeal as in other cases. Upon a final decision ordering the repayment of any portion of said tax, the state treasurer shall repay the amount adjudged to have been illegally exacted without any further act or resolve making appropriation therefor. The state treasurer

may, in his discretion, abate the tax in any case, if it is shown to his satisfaction that the value of the total estate of a decedent is less than three hundred dollars, or if in his opinion the tax is not of sufficient amount to justify the labor and expense of its collection.

SECT. 2. Amend section 17, chapter 40, Laws of 1905, as amended by section 8, chapter 68, Laws of 1907, and section 1, chapter 42, Laws of 1911, by striking out the words, "two years from the date of the bond of the executor or administrator of any estate upon which the tax has not been determined as provided in section 12, or upon which no tax has been paid, the state treasurer may require such" in the first sentence and inserting in place thereof the following: fifteen months from the date of the death of any person upon the transfer of whose estate the tax has not been determined as provided in section 12, or upon which no tax has been paid, the state treasurer may require the, and by striking out the word "also" in the twenty-eighth line and inserting in place thereof the words, shall do so, so that said section shall read as follows: SECT. 17. At any time after the expiration of fifteen months from the date of the death of any person upon the transfer of whose estate the tax has not been determined as provided in section 12, or upon which no tax has been paid, the state treasurer may require the executor or administrator, or any person or corporation interested in the succession to appear at the state treasury, at such time as the treasurer may designate and then and there to produce for the use of the treasurer in determining whether or not the estate is subject to said tax and the amount of such tax, if any, all books, papers or securities which may be in the possession or within the control of such executor, administrator or beneficiary relating to such estate or tax, and to furnish such other information relating to the same as he may be able and the treasurer may require. Whenever the treasurer shall desire the attendance of an executor, administrator or beneficiary as herein provided, he shall issue a notice stating the time when such attendance is required, and shall transmit the same by registered mail to such person or corporation, fourteen days at least before the date when such person or corporation is required to appear. If a person or corporation receiving such notice neglects to attend, or to give attendance so long as may be necessary for the purpose for which the notice was issued, or refuses to produce such books, papers or securities or to furnish such information, such person or corporation shall be liable to a penalty of twenty-five dollars (\$25) for each offense which shall be recovered by the state treasurer for the use of the state. The state treasurer may commence an action for the recovery of any of said taxes at any time after the same become payable; and shall do so whenever the judge

State treasurer may require production of books to determine liability to taxation and amount.

of a probate court certifies to him that the final account of an executor, administrator or trustee has been filed in such court and that the settlement of the estate is delayed because of the nonpayment of said tax. The probate court shall so certify upon the application of any heir, legatee or other person interested therein, and may extend the time of payment of said tax whenever the circumstances of the case require.

Personal notice to be given treasurer of any proceeding which may affect the tax.

SECT. 3. Amend section 20, chapter 40, Laws of 1905, as amended by section 9, chapter 68, Laws of 1907, section 1, chapter 42, Laws of 1911, section 1, chapter 106, Laws of 1915, and section 8, chapter 72, Laws of 1921, by inserting in the seventh line of said section after the word "unless" the word personal, so that said section shall read as follows: SECT. 20. The state treasurer shall be entitled to appear in any proceeding in any court in which the decree may in any way affect the tax. No decree in any such proceeding, or upon appeal therefrom, shall be binding upon the state, and no decree shall be entered upon a petition for leave to file an authenticated copy of a foreign will and the probate thereof or upon a probate appeal, unless personal notice of such proceeding shall have been given to the state treasurer.

Administration of legacy and succession tax laws to be under advice and oversight of assistant attorney-general.

SECT. 4. Amend section 2, chapter 116, Laws of 1915, as amended by section 7, chapter 72, Laws of 1921, by striking out the words "of this act" in the third line of said section and inserting in place thereof the following, of the legacy and succession tax laws, so that said section shall read as follows: SECT. 2. The assistant attorney-general shall conduct all litigation and shall advise the state treasurer upon all questions of law arising in the administration of the legacy and succession tax laws and have general oversight of such administration, including the computation and collection of the tax, and may employ such clerical assistance as may be necessary and the governor and council may approve.

Takes effect on passage.

SECT. 5. This act shall take effect upon its passage.

[Approved May 2, 1923.]

CHAPTER 61.

AN ACT RELATING TO THE TAX UPON THE TRANSFER AT DEATH OF THE
PERSONAL PROPERTY OF NONRESIDENTS.

SECTION

1. Interest on taxes computable from fifteen months after death of decedent.

SECTION

2. Act not to apply to the estates of persons deceased prior to act's taking effect, etc.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend sections 6 and 7, chapter 70, Laws of 1921, by striking out the word "four" in the seventh and eighth lines of said section 6 and in the eighth line of said section 7 and inserting in place thereof, in each case, the word fifteen so that said sections shall read as follows: SECT. 6. All taxes imposed by this act shall be due and payable at the time of the transfer of the property, and if not then paid interest at the rate of ten per cent. per annum shall be charged and collected from the time of the transfer and said taxes and interest shall be and remain a lien on the property transferred until the same are paid. *Provided, however,* that if the transfer is not made within fifteen months after the owner's death interest as aforesaid shall be charged and collected after the expiration of said fifteen months. SECT. 7. Personal property within the jurisdiction of this state belonging to nonresidents which shall pass by deed, grant, bargain, sale, or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor shall be subject to the same tax imposed upon the transfers hereinbefore described in this act. The taxes upon such transfers shall become due at once upon the death of the grantor or donor, and if not paid within fifteen months shall be subject to interest as aforesaid after the expiration of said period, until paid. Said taxes and interest shall be a charge against the persons receiving such transfer, and the property transferred and any other property of the grantor or donor within the jurisdiction of the state shall be subject to a lien to secure its payment. All persons or corporations within the jurisdiction of the state in whose possession or control any such property so transferred or to be transferred remains at the time of the death of the grantor or donor shall be subject to all the duties, liabilities, and penalties imposed by this act upon persons having the possession or control of personal estate of such a decedent.

SECT. 2. This act shall not apply to the estates of persons deceased prior to the date when it takes effect, nor to property of

Interest on
taxes computable
from fifteen
months after
death of
decedent.

Act not to apply
to the estates of
persons deceased

prior to act's
taking effect, etc.

such decedents passing by deed, grant, bargain, sale, or gift, as set forth in section 7, but such estates, persons and property shall remain subject to the provisions of the laws in force prior to the passage of this act.

Takes effect on
passage.

SECT. 3. This act shall take effect upon its passage.

[Approved May 2, 1923.]

CHAPTER 62.

AN ACT RELATING TO THE RATES OF INHERITANCE AND SUCCESSION TAXES.

SECTION

1. What property to be subject to inheritance and succession taxes, and rates thereon.

SECTION

2. Act not to apply to estates of persons deceased prior to date when act takes effect.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

What property
to be subject to
inheritance and
succession taxes,
and rates
thereon.

SECTION 1. Amend section 1, chapter 40, Laws of 1905, as amended by section 1, chapter 68, Laws of 1907, section 1, chapter 42, Laws of 1911, section 1, chapter 106, Laws of 1915, and section 1, chapter 37, Laws of 1919, by striking out the entire section and inserting in place thereof the following: SECTION 1. All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to inhabitants of the state, and all real estate within the state, or any interest therein, belonging to persons who are not inhabitants of the state, which shall pass by will, or by the laws regulating intestate succession, or by deed, grant, bargain, sale, or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, absolutely or in trust, to or for the use of the father, mother, husband, wife, lineal descendant, adopted child, the lineal descendant of any adopted child, the wife or widow of a son, or the husband of a daughter, of a decedent, shall be subject to a tax, for the use of the state, of two per cent. of its value; but no bequest, devise or distributive share of an estate which shall so pass to or for the use of a husband, wife, or of any such person who is under twenty-one years of age at the time of the decedent's death shall be subject to such tax, except upon its value in excess of \$10,000; and all such property which shall so pass to or for the use of the brother,

sister, nephew, or niece, of a decedent, shall be subject to a tax, for the use of the state, of six per cent. of its value; and all such property which shall so pass to or for the use of any other person, except educational, religious, cemetery, or other institutions, societies or associations of public charity in this state, or for or upon trust for any charitable purpose in the state, or for the care of cemetery lots, or to a city or town in this state for public purposes, shall be subject to a tax, for the use of the state, of ten per cent. of its value; and administrators, executors, trustees and any such grantees under a conveyance made during the grantor's life, shall be liable for such taxes, with interest, until the same have been paid. An institution or society shall be deemed to be in this state, within the meaning of this act, when its sole object and purpose is to carry on charitable, religious, or educational work within the state, but not otherwise.

SECT. 2. This act shall not apply to the estates of persons deceased prior to the date when it takes effect, nor to property of such decedents passing by deed, grant, bargain, sale, or gift, as set forth in section 1, but such estates, persons and property shall remain subject to the provisions of the laws in force prior to the passage of this act.

Act not to apply to estates of persons deceased prior to date when act takes effect.

SECT. 3. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 2, 1923.]

CHAPTER 63.

AN ACT PROVIDING FOR THE PROPOUNDING AND PROSECUTION OF A CLAIM BY AND IN THE NAME OF THE STATE OF NEW HAMPSHIRE AGAINST THE FEDERAL GOVERNMENT FOR THE RECOVERY OF TAXES HERETOFORE ILLEGALLY ASSESSED AGAINST CITIZENS AND RESIDENTS OF NEW HAMPSHIRE AND PAID BY THEM.

SECTION

1. Governor authorized to propound to and against federal government claim for moneys illegally paid thereunto as a direct tax.
2. Governor authorized and directed to employ counsel to prosecute such claim.
3. Counsel authorized to propose congressional legislation.

SECTION

4. Moneys so collected to be held by state in trust for five years.
5. Notice to claimants.
6. Claims, how to be presented to direct tax commission; payment of claims certified by commission; appeal.
7. Escheat of moneys in treasury after five years.
8. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Governor authorized to propound to and against federal government claim for moneys illegally paid thereunto as a direct tax.

SECTION 1. That the governor be and he is hereby authorized and directed to propound to and against the government of the United States of America and to prosecute to collection, if possible, a claim by and in the name of the state of New Hampshire for all moneys heretofore paid illegally into the federal treasury as a direct tax upon property situated in the state of New Hampshire.

Governor authorized and directed to employ counsel to prosecute such claim.

SECT. 2. The governor is hereby authorized and directed to employ counsel and to enter into necessary contracts and agreements with such counsel for the propounding and prosecution of such claim against the federal government, and to agree with said counsel on the commission to be allowed for such work, such commission to be contingent upon the collection of such moneys from the United States and to be payable out of the same, and shall not exceed ten per centum thereof. The state shall not incur any cost or expense in the propounding or prosecution of such claim other than such commission.

Counsel authorized to propose congressional legislation.

SECT. 3. Counsel employed under this act shall have authority, in conjunction with counsel employed by other states, to propose such legislation to the Congress of the United States as may be fitting and necessary to the propounding and collection of the said claim and for the payment of such moneys into the treasury of the state of New Hampshire.

Moneys so collected to be held by state in trust for five years.

SECT. 4. All moneys, so collected from the government of the United States, shall be paid into the treasury of the state of New Hampshire, and shall be held by the state of New Hampshire for a period of five years in trust for the claimants of such funds.

SECT. 5. Upon receipt of such funds from the United States by the treasurer of the state of New Hampshire, it shall be his duty to give notice to all claimants thereof by publication once each week for a period of eight successive weeks in a newspaper or newspapers published in each county of the state, and if there be no newspaper in any county, by posting written notices at the front door of the court house of such county and in the town clerk's office of each town therein for such period of time, which notices shall set forth that such moneys have been collected and shall notify all claimants to propound their claims in writing by filing them with the treasurer of the state of New Hampshire, and such notice shall warn all claimants and persons interested in said moneys that failure so to file their claims within a period of two years from the date on which such moneys were paid into the treasury of the state of New Hampshire, shall forever bar their right to such funds or any part thereof, and that in default of the filing of such claims such funds shall escheat to and become the absolute property of the state of New Hampshire.

Notice to claimants.

SECT. 6. All claimants to such moneys shall file their claims in writing with the treasurer of New Hampshire on such forms as shall be provided by him and shall submit their proofs and evidence to a commission to be known as the direct tax commission, which is hereby created, and shall be composed of the governor and the executive council. Each claim approved by said commission shall be certified by the commission to the treasurer for payment to the claimant or his order. The treasurer shall pay all claims so certified out of the funds so collected from the government of the United States and held in trust for such purpose. Either such claimants or the state of New Hampshire through its attorney-general may appeal from the decisions of the direct tax commission to any superior court of the state, and exceptions may be taken and allowed in the superior court as in other causes therein tried.

Claims, how to be presented to direct tax commission; payment of claims certified by commission; appeal.

SECT. 7. At the end of a period of five years from the date on which said moneys so collected from the United States shall be paid into the treasury of the state of New Hampshire, said funds, to the extent to which no claims have been filed and approved against same, shall escheat to and become the absolute property of the state of New Hampshire. Said funds, to the extent that any claims have been filed against same, shall remain in the state treasury subject to the final determination of such claims and all such funds not finally adjudged to belong to the claimants thereof shall at that time escheat to and become the absolute property of the state of New Hampshire.

Escheat of moneys in treasury after five years.

SECT. 8. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 3, 1923.]

CHAPTER 64.

AN ACT IN AMENDMENT OF SECTION 2, CHAPTER 120, LAWS OF 1909,
RELATING TO SENTENCE TO THE STATE PRISON.

SECTION

1. Convict serving maximum and minimum sentence, when may be paroled.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Convict serving maximum and minimum sentence, when may be paroled.

SECTION 1. Amend section 2, chapter 120, Laws of 1909, as amended by section 1, chapter 52, Laws of 1917, by inserting after the word "establish" in line nine the following: Any convict serving a maximum and minimum sentence whose minimum sentence is three years or more may, upon recommendation of the board of prison trustees, be paroled by the governor and council when he has served two thirds of his minimum sentence, so that said section, as amended, shall read as follows: SECT. 2. Any convict, sentenced as aforesaid, whose record of conduct shows that he has faithfully observed all the rules of said prison, and has not been subjected to punishment, shall be entitled to release from said prison upon the expiration of the minimum term of his sentence, and he shall then be given a permit to be at liberty therefrom during the unexpired portion of the maximum term of his sentence. Said permit shall be issued by the governor and council upon such terms and conditions as they shall establish. Any convict serving a maximum and minimum sentence whose minimum sentence is three years or more may, upon recommendation of the board of prison trustees, be paroled by the governor and council when he has served two thirds of his minimum sentence. Any convict whose record of conduct shows that he has violated the rules of said prison may be given a like permit at such time as the said governor and council shall determine after the expiration of the minimum term of his sentence. *Provided*, that the governor and council shall issue no permit for release under this section unless there shall appear to them to be a reasonable probability that the convict to be released will remain at liberty without violating the law and will conduct himself as a good citizen; and *provided, further*, that one of the terms of the permit in each case shall be that the released prisoner shall remain in the legal custody of the parole officer hereinafter provided for, to whom said released prisoner shall report at least once each month and as much oftener as the governor and council shall determine to be proper. In cases of exceptionally meritorious conduct, the governor and council may in like manner issue such permit at a time in advance of the expiration of the minimum term

of sentence to be computed by deducting therefrom not more than three days for each month of such minimum term of sentence.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved May 3, 1923.]

CHAPTER 65.

AN ACT FOR THE TAXING OF INCOME DERIVED FROM INTANGIBLES.

SECTION

1. Incomes to be taxed at average rate of taxation.
2. What to be included under "taxable income," and who shall be so taxed.
3. Securities held in pledge to be included in ascertaining income.
4. Income not to include capital, but to include accumulated profits.
5. Incomes of religious, charitable, etc., organizations to be exempt.
6. Intention of act not to violate constitutional provisions or contractual obligations of exemption from taxation.
7. A decedent's estate shall be subject to all taxes herein imposed and not paid in his lifetime.
8. Income received by trust estates to be taxable to the extent that the beneficiaries are inhabitants of this state. Income from non-resident trustee, when taxable.
9. Sections 7 and 8 applicable to guardians, etc., and fiduciaries.
10. Partnerships to be subject to this act; how taxable where certain partners are nonresident.
11. Member of partnership having no usual place of business in state, how taxable on income therefrom.
12. Sections 10 and 11 to apply to associations and trusts, but not to partnerships, associations, etc., issuing transferable shares.
13. Returns to be made annually to tax commission by March 15; extension of time; returns not to be open to public inspection; information as to whether any person has filed a return may be furnished to any inhabitant.

SECTION

14. Tax commission shall administer this act and have power of compelling witnesses and requiring production of books.
15. All taxes to be assessed as of Jan. 1 of each year and to be payable on Oct. 1; interest thereafter at 10%; tax commission authorized to issue warrant for collection to tax collector of any town.
16. Taxes to be paid by taxpayers to state treasurer.
17. Abatement may be made upon application to tax commission or on appeal therefrom to superior court; amount abated to be repaid by state treasurer.
18. Tax commission may within two years of an assessment assess a taxpayer discovered to be liable and who either filed no return or a false or incorrect return.
19. Expense of administering this act, how to be met.
20. Balance of tax receipts after deducting expense of administration to be distributed to towns and cities where owner of taxable income resides.
21. Penalty of \$5 per day for default in not filing return.
22. Penalty for filing fraudulent return, or not filing any return, after notice of delinquency, to be fine or imprisonment.
23. Repeal of existing laws providing for taxes on securities, stock obligations, etc. Average rate of taxation, how may be determined. Transfer of questions by tax commission to supreme court.
24. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Incomes to be
taxed at average
rate of taxation.

SECTION 1. There shall be levied in the year 1924 and in each year thereafter, a tax upon incomes as hereinafter set forth at the average rate of taxation, as near as may be, existing upon other property throughout the state, excepting polls, savings banks deposits and property specially taxed, for the year in which the taxes imposed by this act are assessed.

What to be
included under
"taxable income,"
and who shall
be so taxed.

SECT. 2. Taxable income shall be income received from the date on which this act shall take effect to January 1, 1924, for the levy of 1924, and income received during the calendar year prior to the assessment of the tax for the levy of subsequent years, by

(a) Individuals who are inhabitants or residents of this state on the first day of January in any year;

(b) Partnerships, associations and trusts, the beneficial interest in which is not represented by transferable shares, and as hereinafter provided;

(c) Fiduciaries deriving their appointment from a court of this state, and as hereinafter provided;

Of the following described classes:

(1) Interest from bonds, notes, money at interest, and from all debts due the person to be taxed, except interest from deposits in any savings bank, building and loan association, or savings department of any loan and trust company in this state or in those of any state which exempts from taxation the principal or income of deposits in such institutions in this state made by residents of that state, excepting also interest from notes or bonds of this state or any political subdivision of this state heretofore issued.

(2) Dividends, other than stock dividends paid in new stock of the company issuing the same, on shares in all corporations and joint stock companies organized under the laws of any state, territory or nation, except New Hampshire state banks, trust companies, building and loan associations or national banks.

(3) Dividends, other than stock dividends paid in new stock of the partnership, association or trust issuing the same, on shares in partnerships, association or trust issuing the same, on shares in partnerships, associations and trusts the beneficial interest in which is represented by transferable shares.

(4) *Provided, however,* that in computing the tax on any income taxable under this act the sum of two hundred dollars (\$200) shall be deducted in every case by the tax commission from the amount of income otherwise taxable as an exemption.

Securities held
in pledge to be
included in as-
certaining income.

SECT. 3. For the purposes of this act, any securities or property of the classes designated herein producing taxable income, held in pledge, or on margin or otherwise as security for a debt of the

owner, whether standing in the name of the owner or of any other person, shall be deemed the property of the owner, and the income arising therefrom shall be included in the total taxable income of the owner under this act.

SECT. 4. No distribution of capital, whether in liquidation or otherwise, shall be taxable as income, but accumulated profits shall not be regarded as capital.

Income not to include distributed capital, but to include accumulated profits.

SECT. 5. No tax shall be levied directly or indirectly under this act upon any income otherwise taxable hereunder, which is received and used by any educational, religious, charitable, or temperance organization incorporated in this state, for the purposes for which it is incorporated, *provided* none of the income or profits of such organizations is divided among its stockholders or members or is used for purposes other than those for which it is incorporated, or which is received by any trustee for the use of the state or any of its political subdivisions or for the use of any such educational, charitable, religious or temperance organization incorporated within this state, for the purposes for which it is incorporated, under the conditions above prescribed.

Incomes of religious, charitable, etc., organizations to be exempt.

SECT. 6. It is the intention of this act, and it shall be construed, anything contained herein to the contrary notwithstanding, not to impose any tax upon any income in violation of the constitution of the United States or in violation of any constitutional federal laws, or in violation of the constitution of this state, or in violation of any contractual obligations of exemption from taxation established prior to the passage of this act by the state or any of its political subdivisions or by the United States, which may not be impaired lawfully by this act or any amendments hereof.

Intention of act not to violate constitutional provisions or contractual obligations of exemption from taxation.

SECT. 7. The estates of deceased persons who last dwelt in this state shall be subject to the taxes imposed by this act upon all taxable income received by such persons during their lifetime, which have not already been taxed under this act. The income received by such estates after the death shall be taxable under this act to the extent that the persons to whom such income may be payable, or for whose benefit it is accumulated, are inhabitants of this state, but no person shall be taxed under this act for income received from an estate which has itself been taxed under this section.

A decedent's estate shall be subject to all taxes herein imposed and not paid in his lifetime.

SECT. 8. The income received by estates held in trust by trustees, any one of whom is an inhabitant of this state, or has derived his appointment from a court of this state shall be subject to the taxes imposed by this act to the extent that the persons to whom the income from the trust is payable, or for whose benefit it is accumulated, are inhabitants of this state. Income accumulated in trust for the benefit of unborn or unascertained persons shall be taxed as if accumulated for the benefit of inhabitants of this state. If an inhabitant of this state receives income from one or more trustees,

Income received by trust estates to be taxable to the extent that the beneficiaries are inhabitants of this state. Income from non-resident trustee, when taxable.

none of whom is an inhabitant of this state or has derived his appointment from a court of this state, such income shall be subject to the taxes imposed by this act if it would be taxable to such inhabitant if it were received by him direct from its source.

Sections 7 and 8 applicable to guardians, etc., and fiduciaries.

SECT. 9. Sections 7 and 8 shall apply to guardians, conservators, trustees in bankruptcy, receivers and assignees for the benefit of creditors, so far as apt, to the taxable income received by them and to their beneficiaries; and said sections shall also apply to corporations acting as trustee or in any other fiduciary capacity, subject to the limitations contained in this act.

Partnerships to be subject to this act; how taxable where certain partners are non-resident.

SECT. 10. Partnerships having a usual place of business in this state, any member of which is an inhabitant thereof, shall be subject to taxes imposed by this chapter. If any of the members of the partnership are not inhabitants of this state, only so much of the income thereof as is proportionate to the aggregate interest of the partners who are inhabitants of this state in the profits of the partnership shall be taxed. The tax shall be assessed on such a partnership by the name under which it does business, and the partners shall not be taxed with respect to the taxable income derived by them from such a partnership.

Member of partnership having no usual place of business in state, how taxable on income therefrom.

SECT. 11. An inhabitant of this state who is a member of a partnership having no usual place of business in this state, who receives income from such partnership derived from such a source that it would be taxable if received directly from such source by such partner, shall as to such income be subject to the taxes imposed by this act.

Sections 10 and 11 to apply to associations and trusts, but not to partnerships, associations, etc., issuing transferable shares.

SECT. 12. Sections 10 and 11 shall apply, so far as apt, to associations and trusts, but said sections shall not apply to partnerships, associations and trusts the beneficial interest in which is represented by transferable shares.

Returns to be made annually to tax commission by March 15; extension of time; returns not to be open to public inspection; information as to whether any person has filed a return may be furnished to any inhabitant.

SECT. 13. Returns of taxable income under this act shall be made to the tax commission in such form as they may prescribe on or before the fifteenth day of March in every year, but the commission may extend such time for good cause. Returns shall not be open to the inspection of any person excepting the commission and their deputies, assistants and clerks when acting under their authority, and excepting to the state treasurer and state auditor and his deputies, assistants and clerks when acting under his authority. *Provided, however,* that a properly authorized representative of the federal income tax department may inspect such returns if reciprocal inspection of New Hampshire returns in that department is permitted to a properly authorized representative of the tax commission or to the tax commission. The tax commission shall, on the request of any inhabitant of the state, state the fact whether or not any person has filed an income tax return for the current or any prior year.

SECT. 14. The tax commission shall have the administration of this act, and shall have power to require the production of books, affidavits, papers and documents of all kinds and the appearance of any person, in the state, to determine the amount of any tax or to determine whether any tax has been evaded or any return falsified, in addition to the powers conferred upon said commission by chapter 169 of the Laws of 1911 and amendments thereto.

Tax commission shall administer this act and have power of compelling witnesses and requiring production of books.

SECT. 15. All taxes shall be assessed as of January 1, in each year, and payable on October first in each year. If taxes are not paid within fifteen days of that date, interest at ten per cent. from the due date shall be added. The tax commission or the state treasurer may issue a warrant for the collection of any tax to the tax collector of any town or city who shall have the same remedies and the same fees for the collection of such taxes as are provided by law for the collection of taxes on personal estate by tax collectors of towns and cities.

All taxes to be assessed as of Jan. 1 of each year and to be payable on Oct. 1; interest thereafter at 10%; tax commission authorized to issue warrant for collection to tax collector of any town.

SECT. 16. All taxes assessed by the commission under this act shall be paid direct to the state treasurer, by the taxpayer.

Taxes to be paid by taxpayers to state treasurer.

SECT. 17. Any taxpayer aggrieved by the assessment of any tax under this act may apply to the commission for an abatement within sixty days after notice of the tax. If no abatement is granted by the commission appeal may be had to the superior court within sixty days after notice of the decision of the commission, which shall have the same jurisdiction as provided by law for tax appeals in other cases. The state treasurer, upon warrant from the commission or the court shall repay to the taxpayer the amount of any abatement.

Abatement may be made upon application to tax commission or on appeal therefrom to superior court; amount abated to be repaid by state treasurer.

SECT. 18. If at any time within two years of the assessment date for any year the commission shall find that any taxpayer who did not file a return, or who filed a false or incorrect return, would have been liable to a tax, or to a greater tax than that imposed, the commission may, during such period, assess and proceed to collect such tax or such additional tax, with the penalties herein imposed.

Tax commission may within two years of an assessment assess a taxpayer discovered to be liable and who either filed no return or a false or incorrect return.

SECT. 19. The expense of administration of this act shall be paid out of any money in the state treasury not otherwise appropriated until taxes have been received by the state treasurer hereunder, and thereafter such expense shall be paid out of said taxes. The tax commission and the state treasurer are hereby authorized to employ such assistance and to incur such expense as the governor and council may approve, and the governor is hereby authorized to draw his warrant therefor.

Expense of administering this act, how to be met.

SECT. 20. The balance of the tax in the hands of the state treasurer, after deducting all the expense of administration of this act for the year in which the tax is assessed, shall be distributed by the state treasurer on the thirty-first day of December of the year of

Balance of tax receipts after deducting expense of administration to be distributed to towns and cities

where owner
of taxable in-
come resides.

assessment to the towns and cities where the owner of the taxable income resides, and in the case of unincorporated places where the owner of taxable income resides it shall be paid to the county treasurer of the county in which such unincorporated place is situated.

Penalty of \$5
per day for de-
fault in not
filing return.

SECT. 21. If any taxpayer required to file a return under this act fails to file the return within the time prescribed there shall be added to the tax of such taxpayer the sum of five dollars for every day such default shall continue, but the commission may, in its discretion abate the whole or any part of such additional tax for good cause.

Penalty for filing
fraudulent re-
turn, or not
filing any return,
after notice of
delinquency, to
be fine or im-
prisonment.

SECT. 22. Whoever files a fraudulent return, and whoever, having failed to file a return or having filed an incorrect or insufficient return without reasonable excuse, fails to file a return within twenty days after receiving notice of such delinquency from the commission, shall be punished by a fine of not less than one hundred dollars nor more than two thousand dollars, or by imprisonment for not more than one year, or both.

Repeal of ex-
isting laws pro-
viding for taxes
on securities,
stock obligations,
etc. Average rate
of taxation, how
may be
determined.
Transfer of
questions by tax
commission to
supreme court.

SECT. 23. Existing laws providing for taxes on securities, stock, obligations, money at interest and the offset thereon, and other intangible property, the income of which is taxable under this act, including the laws providing for the taxation of money on hand or on deposit, are hereby repealed.

If the tax provided for in the preceding sections shall be held invalid because levied at the average rate of taxation throughout the state, such taxes as have been assessed within one year and all taxes subsequently levied hereunder shall be levied at the rate applied in the taxation of other property in the taxing district in which the respective taxpayers reside.

The tax commission may, at any time, reserve, certify and transfer to the supreme court for decision any question of law which may arise in connection with the administration of this act. Such reserved and certified case may be entered in the supreme court at any time.

Takes effect on
passage.

SECT. 24. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 66.

AN ACT TO PROVIDE FOR THE TAXATION OF GROWING TIMBER ON
WOODLOTS NOT EXCEEDING FIFTY ACRES.

SECTION

1. What land may be listed as classified forest land; application therefor, how to be made.
2. Assessors to determine whether land fulfills requirement for classification; certification and recording. Listing and valuation of such land for taxation. Assessment not to include the value of forest trees growing thereon; obligations of purchaser on sale.
3. Standing growth on classified forest land shall not be taxed unless timber is cut therefrom.
Valuation of classified forest land for apportioning taxes, how determined.
Buildings, etc., taxable as real estate.
Sworn return of owner to assessors to be made in April of each year.

SECTION

4. Land how withdrawn from classification.
5. Disputes to be decided by state forester, whose decision shall be final.
6. Violation of act how punished.
7. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. During the month of March in any year, an owner of forest land, valued on the town tax list of the preceding year for land, and young growth, exclusive of fuel wood, at not more than twenty-five dollars per acre on the average, but which is so stocked with young trees, or is to be set to young trees, as to promise a minimum prospective average yield of twenty-five thousand board feet of merchantable timber per acre, exclusive of water, bog or ledge, may apply in writing to the city or town assessors or to the tax commission for land in unincorporated places, to have not to exceed fifty acres of said land listed as classified forest land, and such application shall contain a description of said land sufficiently accurate for identification.

What land may be listed as classified forest land; application therefor, how to be made.

SECT. 2. Within thirty days after the receipt of said application the assessors shall decide whether the property fulfills the requirements for classification and shall notify the owner of their decision, giving their valuation of the tract as land alone, and if within ten days of notification the owner accepts their decision the assessors shall give him a certificate containing the name of the owner and a description of the parcel to be classified, and stating that the land described has qualified for classification

Assessors to determine whether land fulfills requirement for classification; certification and recording. Listing and valuation of such land for taxation. Assessment not to include the value of forest trees

growing thereon;
obligations of
purchaser on
sale.

under the provisions of this act. Upon the recording of this certificate by the owner with the registry of deeds for the county where the land lies the parcel shall become classified forest land. Each parcel of land so classified shall thereafter be designated in the annual valuation list of the town, in the column provided for the description of each parcel of land, as classified forest land so long as the parcel remains classified. The valuation and tax annually assessed upon land classified under this act shall not include the value of forest trees growing thereon. When classified forest land is sold, or otherwise changes title, the obligations of this act shall devolve upon the new holder of the title.

Standing growth
on classified
forest land
shall not be
taxed unless
timber is cut
therefrom.
Valuation of
classified forest
land for ap-
portioning taxes,
how determined.
Buildings, etc.,
taxable as real
estate.
Sworn return of
owner to as-
sessors to be
made in April
of each year.

SECT. 3. The standing growth on classified forest land shall not be taxed, but the owner of such land, except as hereinafter provided, shall pay a tax at the same rate, and valuation as other cut timber of the same class is taxed and valued at, in the same year, for any timber cut therefrom, but the owner of classified forest land may cut wood from such land for his own use or for the use of a tenant only, and not in excess of fifty dollars stumpage value in any one year free of tax. The valuation for apportioning the state and county tax among the towns, on classified forest land, shall be the valuation of land made by assessors when application for classification was made. Buildings and other improvements, water rights, or mining rights, or other land value on classified land shall be taxed as real estate with the land on which they stand. The owner shall make a sworn return to the assessors in April of each year of the amount of wood and timber cut in the preceding year from the first day of April.

Land how with-
drawn from
classification.

SECT. 4. When in the judgment of the assessors classified forest land contains on the average per acre twenty-five thousand board feet of merchantable timber, they shall notify the owner that two years from date of notification the land and timber will be taken from the classified forest land list and placed in the general property tax list. Should the owner elect to reduce the volume of timber below the average of twenty-five thousand board feet per acre, under the conditions of section 3 of this act, the land shall remain classified. An owner may withdraw his land from classification at any time by the payment of the land tax, and a tax on the estimated value of the standing timber, at the same rate of other property for that year. Within thirty days after an owner requests to withdraw his land from classification the assessors shall determine the taxes due thereon, which must be paid before the land is taken from the classified list. When in the judgment of the assessors classified forest land becomes more valuable for other use than the production of trees they may, after thirty days' notice, withdraw said land from classification, and any taxes due thereon shall be paid at the time of withdrawal, provided that the owner may appeal against withdrawal to the state forester, whose decision

shall be final. Whenever land is withdrawn from classification the assessors shall record in the registry of deeds a certificate setting forth such withdrawal, and containing reference by book and page of record of the certificate under which said land was classified.

SECT. 5. In case of dispute as to the eligibility of land for classification, or as to the volume of wood or timber contained on such land, or cut therefrom either party may appeal to the state forester, who shall examine the property, who shall hear both parties, and whose decision shall be final.

Disputes to be decided by state forester, whose decision shall be final.

SECT. 6. Any owner of classified forest land who fails to comply with the requirements of this chapter shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than two hundred dollars, and in addition to said penalty the land may be withdrawn from classification by the assessors.

Violation of act how punished.

SECT. 7. All acts or parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 67.

AN ACT RELATING TO AN ABATEMENT OF STATE AND COUNTY TAXES TO TOWNS HAVING FOREST LANDS IN THE POSSESSION OF THE NATIONAL GOVERNMENT.

SECTION

1. Towns wherein are national forest reserve lands may apply to tax commission to abate portion of state tax; notice and hearing; certification of abatement to be made to state treasurer, who shall account to town for abatement.

SECTION

2. Abatement of county taxes may be similarly applied for to, and granted by county commissioners.
3. Expenses of application by whom to be borne.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Any town in which national forest reserve lands are situated may apply, by its selectmen, to the tax commission annually, before September 1, for an abatement of its portion of the state tax to an amount not exceeding one half the taxes for all purposes which such town might have received from taxes on said lands in such year had said lands been taxable. The tax commission shall give notice of such application and of hearing thereon

Towns wherein are national forest reserve lands may apply to tax commission to abate portion of state tax; notice and hearing; certification of abatement to be made to state treasurer, who

shall account to town for abatement.

by publication in some newspaper published in the county in which said town is situated, and after hearing and investigation and upon good cause may make an abatement of such an amount as equity may require subject to the limitations above provided. If an abatement is granted the commission shall certify the fact and the amount to the state treasurer who shall account to said town for such abatement out of any funds in the treasury not otherwise appropriated. In making any abatement the commission shall consider among all other facts, the amount of compensation, if any, which such town has received in any year from the federal government through sale of trees from such land.

Abatement of county taxes may be similarly applied for to, and granted by county commissioners.

SECT. 2. Application for an abatement of county taxes may be made to the county commissioner of the county in which such town is situated in like manner, and upon like procedure the county commissioners for good cause may abate a portion of the county taxes due from said town not exceeding one half the taxes for county purposes which such town might have received from taxes on said lands in such year had said lands been taxable, and the county treasurer shall account to such town for such an abatement upon warrant from the commissioners. But no such application may be made or abatement granted unless the tax commission first shall have found and certified to said commissioners that any abatement granted by the tax commission for that year, under section 1 above, is insufficient to afford equitable relief to the town making such application.

Expenses of application by whom to be borne.

SECT. 3. Any expense incurred from such application, investigation or hearing shall be paid by the town making such application, but in the event of the granting of an abatement the amount of such expense shall be included in the amount of taxes abated.

Takes effect on passage.

SECT. 4. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 68.

AN ACT IN AMENDMENT OF CHAPTER 56 OF THE PUBLIC STATUTES AS AMENDED BY CHAPTER 12 OF THE LAWS OF 1921, RELATING TO THE EXEMPTION FROM TAXATION OF VETERANS OF THE WAR OF THE REBELLION, THE SPANISH-AMERICAN WAR, THE PHILIPPINE INSURRECTION, THE WORLD WAR, AND THEIR WIVES AND WIDOWS.

SECTION

1. Exemption of certain veterans of World War, etc., from poll tax.

SECTION

2. Exemption of disabled veterans of World War, etc., and others from poll tax; exemption of property of veterans, etc., from taxation.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 2, chapter 56, Public Statutes, as amended by section 1, chapter 12, Laws of 1921 by inserting after the word "Insurrection" in lines 4 and 10 the words or of the World War or of any other wars in which the United States has been engaged so that said section, as amended, shall read as follows:

SECT. 2. Any soldier, sailor or marine of the War of the Rebellion or of the Spanish-American War or of the Philippine Insurrection or of the World War or of any other wars in which the United States has been engaged, who shall present to the selectmen or assessors of the town in which he lives, for inspection and record, his pension certificate awarding to such soldier, sailor or marine an invalid pension of any amount, or an honorable discharge of such soldier, sailor or marine from the service of the United States in said Rebellion or said Spanish-American War or said Philippine Insurrection, or of the World War or of any other wars in which the United States has been engaged, shall thereafter be exempt from levy of poll tax.

SECT. 2. Amend section 4, chapter 56, Public Statutes, as amended by section 2, chapter 12, Laws of 1921, as amended by section 1, chapter 103, Laws of 1921, by inserting in line 10 after the figures "1918" the words or of any other wars in which the United States has been engaged; further amend by inserting in line 15 after the word "Insurrection" the words or of the World War or of any other war in which the United States has been engaged so that said section, as amended, shall read as follows:

SECT. 4. The selectmen of towns and the assessors of cities in their discretion may exempt any other soldier, sailor or marine who served in the War of the Rebellion, or the Spanish-American War, or the Philippine Insurrection, or the World War prior to November 12, 1918, or of any other wars in which the United States has been engaged, and is disabled in consequence of such service, from paying a poll tax, and every soldier, sailor or marine residing

in New Hampshire who served for thirty days or more in the army of the United States during the War of the Rebellion or the Spanish-American War or the Philippine Insurrection or of the World War or of any other war in which the United States has been engaged, and received an honorable discharge from that service, and the wife or widow of any such soldier, sailor or marine in consideration or recognition of such service, shall be exempt each year from taxation upon his taxable property to the value of one thousand dollars; *provided*, such soldier, sailor or marine and his wife, if any, shall not own property to the value of five thousand dollars or more.

[Approved May 4, 1923.]

CHAPTER 69.

AN ACT RELATING TO POLL TAX OF SOLDIERS' WIDOWS.

SECTION

1. Widows of soldiers, etc., exempt from poll tax.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Widows of soldiers, etc., exempt from poll tax.

Takes effect on passage.

SECTION 1. No poll tax shall be assessed against a widow of any soldier, sailor or marine who served in the army, navy or marine corps in any war in which the United States has been engaged.

SECT. 2. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 70.

AN ACT IN AMENDMENT OF SECTION 1 OF CHAPTER 41 OF THE LAWS OF 1921, RELATING TO THE EXEMPTION FROM TAXATION OF THE PROPERTY OF EDUCATIONAL, CHARITABLE, RELIGIOUS AND OTHER SOCIETIES AND INSTITUTIONS.

SECTION

1. Parsonages occupied by pastors exempt from taxation.

SECTION

2. What real estate exempted from taxation.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 1 of chapter 150 of the Laws of 1915 as amended by section 1 of chapter 41 of the Laws of 1921 by adding the words including parsonages occupied by their pastors after the words "for which they are incorporated" so that said section as amended shall read as follows: SECTION 1. The personal property of institutions devoted to educational purposes, charitable and religious societies, and of temperance societies, incorporated within this state, and the real estate owned and occupied by them, their officers, or their students for the purposes for which they are incorporated, including parsonages occupied by their pastors, and personal property owned and real estate owned and occupied by the Grand Army of the Republic, the United Spanish War Veterans, or the American Legion, shall be exempt from taxation, *provided* none of the income or profits of the business of such corporations or institutions is divided among the stockholders or members, or is used or appropriated for other than educational, charitable, or religious purposes, and *provided further*, that in each case such exemption is limited to \$150,000. Towns are hereby authorized to increase such exemption to such an amount as they may vote, by a majority of those present at any regular town meeting, acting under an article duly incorporated in the warrant for said meeting; and cities are authorized to increase such exemptions to such an amount as the city government may vote and the mayor approve.

SECT. 2. Amend section 2 of chapter 55 of the Public Statutes by striking out the words "twenty-five hundred dollars of the value of parsonages owned by religious societies and occupied by their pastors" so that said section 2 as amended shall read as follows: SECT. 2. Real estate, whether improved or unimproved, and whether owned by residents or others, is liable to be taxed, except houses of public worship, schoolhouses, seminaries of learning, real estate of the United States, state, or town used for public purposes, and almshouses on county farms.

SECT. 3. This act shall take effect upon its passage.

[Approved May 4, 1923.]

Parsonages occupied by pastors exempt from taxation.

What real estate exempted from taxation.

Takes effect on passage.

CHAPTER 71.

AN ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF AN
ANNUAL STATE TAX FOR THE TERM OF TWO YEARS.

SECTION

1. Annual state tax of \$1,150,000 to be raised for 1923 and a like amount for 1924.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Annual state tax of \$1,150,000 to be raised for 1923 and a like amount for 1924.

SECTION 1. The sum of eleven hundred and fifty thousand dollars shall be raised for the use of the state for the year 1923, and the sum of eleven hundred and fifty thousand dollars shall be raised for the use of the state for the year 1924 and the state treasurer is hereby directed seasonably to issue his warrants to the selectmen of the several towns and places, and to the assessors of the several cities, in the state, according to the apportionment of the public taxes made at the January session of the legislature in 1923, and the selectmen of such towns and places and the assessors of such cities, are hereby directed to assess the sums specified in said warrants and cause the same to be paid to said treasurer on or before the first day of December, 1923, and the first day of December, 1924; and the state treasurer is hereby authorized to issue his extent for all taxes which shall remain unpaid on the dates last above mentioned.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 72.

AN ACT IN AMENDMENT OF SECTIONS 4 AND 5 OF CHAPTER 65 OF THE PUBLIC STATUTES AND ALL AMENDMENTS THERETO, RELATING TO THE TAXATION OF SAVINGS BANKS.

SECTION

1. Savings banks, etc., to make annual statement to state treasurer.
2. Savings banks, etc., shall pay annual excise tax of three-fourths of 1% on interest-bearing deposits after certain specified deductions; also annual excise of 1% on special deposits or capital stock after certain deductions.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 4, chapter 65 of the Public Statutes as amended by section 1, chapter 108 of the Laws of 1895, section 1, chapter 82, Laws of 1901, section 1, chapter 102, Laws of 1907, section 1, chapter 112, Laws of 1913, section 1, chapter 83, Laws of 1915, and section 1, chapter 124, Laws of 1917, by striking out the entire section and inserting in the place thereof a new section to read as follows: SECT. 4. The treasurer of every savings bank, trust company, loan and trust company, loan and banking company, building and loan association and other similar corporations organized under the laws of this state shall, on or before the first day of May in each year, transmit to the state treasurer, upon blanks to be furnished by him, a statement, under oath, of the following facts as they existed on the first day of April in such year:

Savings banks, etc., to make annual statement to state treasurer.

The amount of all savings and special deposits on which the corporation pays interest and of its capital stock belonging to residents of each town in the state, including all dividends that have been declared thereon and not paid; the value of the interest of such residents in all the real estate of the corporation wherever situated, and all the loans of the corporation secured by mortgage upon real estate situated in this state, made at a rate not exceeding five per cent. per annum, and the amount invested in the bonds and notes of this state or any of the counties, municipalities, school districts and village precincts of this state, provided such bonds and notes bear interest at a rate not exceeding five per cent. per annum, and the amount invested in United States bonds, and in the bonds issued under the provisions of the federal farm loan act, and the amount not exceeding five per cent. of the deposits invested in acceptances of member banks of the federal reserve system of the kinds and maturities made eligible for rediscount or purchase by federal reserve banks, and the amount invested in the

capital stock of national banks located in this state, if it were divided proportionately among all depositors of the corporation; the difference between the two sums for each town; and the same facts in relation to depositors and stockholders who do not reside in the state or whose residence is unknown.

Savings banks, etc., shall pay annual excise tax of three-fourths of 1% on interest-bearing deposits after certain specified deductions; also annual excise of 1% on special deposits or capital stock after certain deductions.

SECT. 2. Amend section 5, chapter 65 of the Public Statutes, as inserted by section 2, chapter 194, Laws of 1911, and amended by section 1, chapter 112, Laws of 1913, and by section 1, chapter 83, Laws of 1915, and by section 2, chapter 124, Laws of 1917, by striking out the entire section and inserting in place thereof a new section to read as follows: SECT. 5. Every such corporation, except building and loan associations, organized under the provisions of the Public Statutes, shall pay to the state treasurer annually, on the first day of October, an excise tax for the privilege of conducting the business of a savings bank or other such corporation, equal in amount to three quarters of one per cent. upon the amount of the savings deposits on which it pays interest, after deducting the value of all its real estate wherever situated and the value of all its loans secured by mortgage upon real estate situated in this state made at a rate not exceeding five per cent. per annum; and the amount invested in bonds or notes of this state or any of the counties, municipalities, school districts or village precincts of this state, *provided* such bonds and notes bear interest at a rate not exceeding five per cent. per annum, and the amount invested in United States bonds and in the bonds issued under the provisions of the federal farm loan act, and the amount not exceeding five per cent. of the deposits invested in acceptances of member banks of the federal reserve system of the kinds and maturities made eligible for rediscount or purchase by federal reserve banks, and the amount invested in the capital stock of national banks located in this state; and every guaranty savings bank, trust company, loan and trust company, loan and banking company, and all other similar corporations, except building and loan associations, shall in addition pay a further excise tax for the privilege of conducting such business, equal in amount to one per cent. annually upon its special deposits or capital stock, after deducting the value of all real estate owned by the corporation and not already deducted from the amount of its general deposits as hereinbefore provided. No deduction from deposits subject to tax on account of real estate loans made in New Hampshire shall be allowed, if the borrower either directly or indirectly pays a larger rate of interest than five per cent.

Takes effect on passage.

SECT. 3. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 73.

AN ACT IN AMENDMENT OF SECTION 1, CHAPTER 45, LAWS OF 1905, AS AMENDED BY CHAPTER 25, LAWS OF 1915, ENTITLED "AN ACT FOR THE PROTECTION OF SAVINGS BANKS AND OTHER SAVINGS INSTITUTIONS."

SECTION

1. Depositor may be required to publish notice of lost deposit book.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Strike out section 1 of chapter 45, Laws of 1905, as amended by chapter 25, Laws of 1915, and substitute the following: SECTION 1. Whenever the deposit book of a depositor in a savings bank, savings department of a trust company, or savings department of a national bank is alleged to be lost or destroyed, and the depositor shall request such bank or institution to issue to him a duplicate thereof, he shall, if such bank or institution so requires, advertise such loss or destruction by publishing a notice thereof containing a description of such book by its date and number, together with the name of the bank or institution which issued the same, three weeks successively in a newspaper published in the town where the bank or institution is situated; or, if there is no newspaper published in such town, then in a newspaper published in the county where such savings institution is situated, and by posting a like notice at the office of such bank or institution.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 74.

AN ACT RELATING TO BONDS TO BE FURNISHED BY OFFICERS OF SAVINGS BANKS.

SECTION 1. Treasurer, officers, employees of savings bank or trust company may be included in one or more blanket or schedule bonds.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 6, chapter 165 of the Public Statutes, as amended by section 1, chapter 58, Laws of 1893, by adding at the end of said section the following: *Provided, also,* that in lieu of the following: *Treasurer, officers, employees of savings bank or trust company*

may be included
in one or more
blanket or sched-
ule bonds.

of the bonds hereinbefore provided for, the treasurer and any other officers and employees of a savings bank or trust company may, with the approval and consent of the bank commission, be included in one or more blanket or schedule bonds, in such amounts not less than those hereinbefore specified, and upon such conditions and with such sureties as may be approved by the bank commission, so that said section as amended shall read as follows: SECT. 6. The treasurer of every savings bank shall give a bond to the bank, with sufficient sureties, for the faithful performance of his duties. The penal sum of the bond shall not be less than twenty-five thousand dollars, nor more than one hundred thousand dollars. If the deposits of the bank exceed one hundred thousand dollars, five thousand dollars shall be added to the minimum penal sum for each sum of one hundred thousand dollars of deposits or fractional part thereof, until the maximum penal sum is reached: *Provided*, that if the treasurer of any savings bank shall give a bond of an indemnity company licensed by the insurance commissioner to do business in this state, the penal sum of the bond shall not be less than fifteen thousand dollars, nor more than fifty thousand dollars. If the deposits of the bank exceed one hundred thousand dollars, twenty-five hundred dollars shall be added to the minimum penal sum for each sum of one hundred thousand dollars of deposits or fractional part thereof, until the maximum penal sum is reached. *Provided, also*, that in lieu of the bonds hereinbefore provided for, the treasurer and any other officers and employees of a savings bank or trust company may, with the approval and consent of the bank commission, be included in one or more blanket or schedule bonds, in such amounts not less than those hereinbefore specified, and upon such conditions and with such sureties as may be approved by the bank commission.

[Approved May 4, 1923.]

CHAPTER 75.

AN ACT TO PROVIDE FOR A ROAD TOLL AND TO AMEND LAWS OF 1921, CHAPTER 119, SECTION 25, RELATIVE TO LICENSE FEES ON MOTOR VEHICLES.

SECTION

1. Definition of terms "dealer," "fuels," "distributor."
2. Distributors to procure license.
3. Distributors shall keep record of importations and sales.
4. Distributors shall render monthly report to commissioner of motor vehicles of fuel sold, and pay road toll thereon from July 1, 1923. Commissioner of motor vehicles shall transmit to state treasurer statement of road tolls due from distributors.
5. Refund of road tolls where fuel not used for highway vehicles.
6. Penalty for violation of act; civil action for recovery of road tolls.
7. Act not to apply to interstate commerce.

SECTION

8. Commissioner of motor vehicles authorized to require carriers to report shipments of fuel into state.
9. Revenue from road tolls to be applied as is revenue from fees for registration of motor vehicles.
10. Commissioner of motor vehicles may on application of manufacturer or dealer issue certificate of registration and a general distinguishing number. Number plates so assigned shall not be loaned. Temporary number plates bow furnished and how to be used.
11. Fees for registration of motor vehicles.
12. Provisions as to road tolls to be in effect July 1, 1923; all other provisions take effect Jan. 1, 1924. Alternate provision as to road tolls.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend chapter 119, Laws of 1921, section 1, as follows: Add to the definition of "Dealer" as contained in said section the following: who sells at retail fuels as herein defined. Insert at the end of said section 1 the following: "Fuels" shall include gasoline, benzol or other products used in internal combustion engines in the propulsion of motor vehicles over the highways of this state. "Distributor" shall include any person, association of persons, firm or corporation wherever resident or located who imports or causes to be imported for sale or use fuels as herein defined into the state; and also any person, association of persons, firm or corporation who produces, refines, manufactures or compounds fuels as herein defined.

Definition of terms "dealer," "fuels," "distributor."

SECT. 2. Every distributor is hereby required within thirty (30) days after this act shall go into effect and thereafter before continuing in or commencing to transact the business of a distributor as herein defined to procure a license from the commissioner of motor vehicles permitting him to continue or to commence to engage in such business within this state.

Distributors to procure license.

SECT. 3. Every such distributor shall keep such record of importations and sales of such fuels as the commissioner of motor vehicles may prescribe. Such records shall be preserved by said

Distributors shall keep record of importations and sales.

distributors for two years and shall be offered for inspection upon verbal or written demand of the commissioner of motor vehicles, or his inspector.

Distributors shall render monthly report to commissioner of motor vehicles of fuel sold, and pay road toll thereon from July 1, 1923. Commissioner of motor vehicles shall transmit to state treasurer statement of road tolls due from distributors.

SECT. 4. Every distributor shall on or before the fifteenth day of each month render a report to the commissioner of motor vehicles, stating the number of gallons of such fuel sold in the state by him during the preceding calendar month on forms to be furnished by said commissioner of motor vehicles; and said report shall contain such other information as the commissioner of motor vehicles shall prescribe. On or before the first day of the calendar month succeeding the filing of said report such distributor shall pay to the state treasurer a road toll of one (1) cent per gallon from July 1, 1923 to January 1, 1924, and two (2) cents thereafter, upon each gallon so reported, the same being collected by the distributor from the dealer and by the dealer from the consumer. On or before the first day of each calendar month, the commissioner of motor vehicles shall transmit to the said state treasurer such information as shall show all road tolls due from each distributor under the provisions of this act.

Refund of road tolls where fuel not used for highway vehicles.

SECT. 5. Whenever any person shall purchase any such fuels for any purpose other than for the propulsion of motor vehicles upon highways, he may within six (6) months after the date of said purchase present to the state treasurer on blanks furnished by the state treasurer a statement under oath as to the number of gallons used for such other purposes and the name of the person from whom purchased; and the state treasurer upon satisfying himself that said fuel was actually used for such other purposes, shall refund the road toll of one (1) cent per gallon from July 1, 1923 to January 1, 1924, and two (2) cents thereafter, to said purchaser.

Penalty for violation of act; civil action for recovery of road tolls.

SECT. 6. Any distributor, dealer or purchaser of such fuels who shall violate any provision of this act, or shall wrongfully claim such refund, or wrongfully fail to pay the road toll to any dealer or distributor, shall be fined not more than one hundred dollars (\$100). Whenever any distributor shall fail to pay any road toll due under the provisions of this act within the time limit herein, the attorney-general shall enforce payment of such road toll by civil action against such distributor or purchaser for the amount of such road toll in a court of appropriate jurisdiction.

Act not to apply to interstate commerce.

SECT. 7. Neither this act nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to international or interstate commerce, except in so far as the same may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

Commissioner of motor vehicles authorized to require carriers to report shipments of fuel into state.

SECT. 8. The commissioner of motor vehicles is hereby given authority to require from common carriers within the state reports as to the shipment of fuels into the state.

SECT. 9. All revenue from the road toll herein provided for after paying the expense of collection, is to be disposed of in like manner as the revenue from the registration fees of motor vehicles.

SECT. 10. Amend section 4 of chapter 119 of the Laws of 1921 by striking out the whole of said section and inserting in place thereof the following: A manufacturer or dealer may make application to the commissioner of motor vehicles upon blanks furnished by him for that purpose for a general distinguishing number for such motor vehicles. Said commissioner may, if he is satisfied of the facts stated in such application, grant the same and issue to the applicant a certificate of registration containing the name, residence and address of such applicant and the general distinguishing number assigned and such other provisions as said commissioner may determine; *provided* that if a manufacturer or dealer has an established place of business or agency in more than one city or town such manufacturer or dealer shall secure a separate certificate of registration for each such place of business or agency. All motor vehicles owned by such manufacturer or dealer shall while so owned be regarded as registered under such distinguishing number. A manufacturer or dealer shall not loan number plates which have been assigned to him under the provisions of this act to a subagent or to any other person. Said commissioner shall at the time of issuing a certificate to a manufacturer or dealer as provided herein, furnish said manufacturer or dealer with three sets of number plates and such further number of sets as said manufacturer or dealer may require, together with such number of temporary number plates similar in general design to said manufacturers' or dealers' number plates as may be required by said manufacturer or dealer. Such temporary number plates shall be of such material and color as the commissioner may determine. A manufacturer or dealer shall upon the sale or exchange of a motor vehicle attach to such motor vehicle a set of temporary number plates and the purchaser of such motor vehicle may operate the same for a period not to exceed five consecutive days thereafter without payment of a registration fee. A manufacturer or dealer shall upon attaching a set of temporary number plates to a motor vehicle sold or exchanged by him immediately notify the commissioner of said sale or exchange, giving the name and address of the purchaser, the number on the temporary plate, and such further information as the commissioner may require.

SECT. 11. Strike out subdivisions (d), (e), (f), (g), (h), (i), (l) and (n) of section 25 of chapter 119, Laws of 1921. Insert in place of subdivision (e) the following: (e) For the registration of each motor vehicle, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle sidecars, the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding four

Revenue from road tolls to be applied as is revenue from fees for registration of motor vehicles.

Commissioner of motor vehicles may on application of manufacturer or dealer issue certificate of registration and a general distinguishing number. Number plates so assigned shall not be loaned. Temporary number plates how furnished and how to be used.

Fees for registration of motor vehicles.

thousand (4,000) pounds forty-five (45) cents per hundred (100) pounds; exceeding four thousand (4,000) pounds and not exceeding six thousand (6,000) pounds, fifty-five (55) cents per hundred (100) pounds; exceeding six thousand (6,000) pounds and not exceeding eight thousand (8,000) pounds, sixty (60) cents per hundred (100) pounds; exceeding eight thousand (8,000) pounds, seventy (70) cents per hundred (100) pounds. For all vehicles equipped with hard rubber tires the sum of twenty (20) cents per hundred (100) pounds shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty (40) cents per hundred (100) pounds shall be added to the above rates. *Provided* that the minimum fee as provided in this section shall be ten dollars (\$10) for the passenger vehicles and fifteen dollars (\$15) for trucks. Tractors used for agricultural purposes only and tractors used only on snow shall pay one tenth of the above rates.

Reletter subdivisions (j) and (k) to read (d) and (e) respectively. Relletter subdivision (l) to read (f) and substitute for such subdivision the following: (f) For the registration of motor vehicles owned by or under the control of the manufacturer or dealer in motor vehicles, fifty dollars (\$50).

Relletter subdivision (m) to read (g). Relletter subdivision (n) to read (h) and substitute for such subdivision the following: (h) For every additional number plate furnished to replace such as have been lost or mutilated or which are illegible, one dollar (\$1); and for every additional pair of number plates furnished to a manufacturer or dealer in motor vehicles other than motor cycles whose business requires more than three pairs of such plates, eight dollars (\$8). For each set of temporary number plates furnished to a manufacturer or dealer in motor vehicles, twenty cents (20c); and for every additional pair of number plates furnished to a manufacturer or dealer in motor cycles whose business requires more than three pairs of such plates, two dollars (\$2).

Relletter subdivisions (o), (p), (q), (r) and (s) to read (i), (j), (k), (l) and (m) respectively.

Provisions as to road tolls to be in effect July 1, 1923; all other provisions take effect Jan. 1, 1924. Alternate provision as to road tolls.

SECT. 12. The provisions of this act so far as they relate to the payment and collection of a road toll on gasoline shall be in effect July 1, 1923; all other provisions of this act shall take effect January 1, 1924. Should the provisions of this act relative to the collection of a road toll be declared inoperative, the subdivisions of section 25, chapter 119, Laws of 1921, repealed hereby, shall be deemed to be in full force and effect.

[Approved May 4, 1923.]

CHAPTER 76.

AN ACT RELATING TO MOTOR VEHICLES.

SECTION

1. Motor vehicles of nonresidents, when may be operated for twenty days without registration. Registration of vehicles of nonresidents.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 3 of chapter 119 of the Laws of 1921 by striking out subdivision (a) and inserting in place thereof the following: (a) A motor vehicle owned by a nonresident who has complied with the laws of his state, district or country, relating to registration and licensing of motor vehicles, may be operated upon the ways of this state for a period not exceeding twenty days in any one calendar year, without registration, except as otherwise provided in section 8; *provided*, that said state, district or country grants like privileges to residents of this state. The commissioner shall determine what states, districts or countries grant like privileges and his determination shall be final. In estimating the number of days of use by a nonresident under the foregoing privilege, any fractional part of a day's use within this state shall be held to be a day. The commissioner may suspend or revoke the right of any nonresident owner or operator to operate or have operated, in this state, any motor vehicle, for the same causes and under the same conditions that he can take action against resident owners and operators in this state. Every such vehicle so operated shall have displayed upon it the distinguishing number or mark of the state, district or country in which the owner thereof resides, and none other, until such vehicle is registered in accordance with the provisions of this act. A motor vehicle so owned may be operated also in this state during the months of July, August and September in any year if application for the registration thereof is made in accordance with the provisions of section 2 and the proper fee provided for in section 25 is paid and the said vehicle is duly registered by the commissioner or his authorized agent. The commissioner shall furnish at his office, without charge, to every person whose motor vehicle is registered as aforesaid, two number plates of suitable design and triangular in shape, each number plate to have displayed upon it the register number assigned to such vehicle, the letters N. H., and figures showing the year of issue.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 77.

AN ACT RELATING TO PERSONS CONVICTED OF OPERATING MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

SECTION

1. Persons operating motor vehicle while intoxicated how punished; revocation of license; second offense.

SECTION

2. Jurisdiction of municipal court.
3. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Persons operating motor vehicle while intoxicated how punished; revocation of license; second offense.

SECTION 1. Any person who shall be convicted of operating a motor vehicle upon any way while under the influence of intoxicating liquor shall be punished by imprisonment for sixty days and shall pay costs of prosecution and his license shall be revoked for a period of one year. If any person be convicted a second time of operating a motor vehicle upon any way while under the influence of intoxicating liquor, he shall be punished by imprisonment of six months and shall pay costs of prosecution and his license shall be revoked for a period of three years. And in case of such second offense no court before whom the party is convicted shall have authority to suspend the sentence.

Jurisdiction of municipal court.

SECT. 2. In case there is no municipal court in the town where the offense occurs, the party arrested shall be taken before the nearest municipal court in the county for trial.

Repealing clause: takes effect on passage.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 78.

AN ACT RELATIVE TO THE LAW OF THE ROAD.

SECTION

1. Law of road at intersection of highway with way. Penalty for violation. Action for damages.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 19 of chapter 76 of the Public Statutes, as amended by chapter 113 of the Laws of 1921, by striking out said section and inserting in place thereof two sections to be numbered sections 19 and 20, to read as follows:

SECT. 19. If a person traveling on a highway with a vehicle approaches an intersecting way, as defined in the motor vehicle law, he shall grant the right of way, at the point of intersection, to vehicles approaching from his right, *provided* that such vehicles are arriving at the point of intersection at approximately the same instant; except that, whenever traffic officers are standing at such intersection, they shall have the right to regulate traffic thereat. SECT. 20. If any person shall violate any of the provisions of the three preceding sections, he shall be fined not exceeding ten dollars, and in addition thereto shall be liable for the damages occasioned thereby; but no action for such damages shall be sustained unless begun within one year.

Law of road at intersection of highway with way. Penalty for violation. Action for damages.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 79.

AN ACT REGULATING THE PRACTICE OF CHAINING WHEELS ON HILLS.

SECTION

1. Chaining of wheels on hills, unless wooden or metal shoe used, prohibited. Stones, boards, etc., not to be left in highway.

SECTION

2. Penalty for violation of this act.
3. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The practice of chaining wheels on hills is hereby prohibited unless a wooden or metal shoe is used, said shoe to be at least eighteen (18) inches in length and six (6) inches in

Chaining of wheels on hills, unless wooden or metal shoe used, prohibited.

Stones, boards,
etc., not to be
left in highway.

width. No person shall leave, suffer or allow to be left, on any public street, highway, or in any gutter or drain adjacent to same, any stone, board, plank, fence, guard rail, stick or brush, which has been used in aiding to repair or trig an automobile, truck, motor cycle or wagon.

Penalty for
violation of this
act.

SECT. 2. Any person found guilty of violating any of the provisions of this act shall be punished by a fine not exceeding twenty dollars, or by imprisonment not exceeding thirty days, or both.

Repealing clause;
takes effect on
passage.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 80.

AN ACT IN REGARD TO THE CONSTRUCTION AND MAINTENANCE OF STATE AID, TRUNK LINE, CROSS STATE, AND STATE ROADS.

SECTION

1. Highways or bridges improved with state funds shall be maintained by municipality at its own expense to satisfaction of governor, etc. Otherwise to be repaired at expense of state and cost added to state tax for such municipality; exceptions.

SECTION

2. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Highways or
bridges improved
with state funds
shall be main-
tained by
municipality at
its own expense
to satisfaction
of governor,
etc. Otherwise
to be repaired at
expense of state
and cost added
to state tax
for such munici-
pality; excep-
tions.

SECTION 1. All highways or bridges within any city, town or place, improved in whole or in part with state funds as per chapter 35, Laws of 1905, chapter 155, Laws of 1909, chapter 55, Laws of 1911, chapters 158, 162, 168, Laws of 1913, chapters 50, 51, 93, Laws of 1915, chapter 224, Laws of 1917, chapter 118, Laws of 1919, chapter 155, Laws of 1921 (meaning hereby to include all highways heretofore designated and to be hereafter designated) shall be maintained by the city, town or place within which they are located at the expense of such city, town or place, and to the satisfaction of the governor and council; and in case any city, town or place, shall neglect to make repairs ordered by the governor and council, such repairs shall be made under the direction of the governor and council, at the expense of the state and the cost thereof shall be added to the state tax for such city, town or place, for the next year; except that assistance shall be ren-

dered by the governor and council to such cities, towns and places by the application therefor of the net revenue from automobile fees and fines and the revenue received from the toll levied on motor fuel used on the highways with the following exceptions:

1. With the approval of the governor and council \$125,000 per year and such further sums as they shall designate may be used for the construction of the trunk line, state aid, state and cross state roads.

2. Such sums as may be necessary for the maintenance of the roads mentioned in subdivision 1.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage. Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 81.

AN ACT IN AMENDMENT OF SECTION 4, CHAPTER 168, LAWS OF 1913,
RELATING TO THE STATE HIGHWAY FROM MERRIMACK VALLEY ROAD
TO EAST SIDE ROUTE.

SECTION

1. Towns on state highway to receive
half the cost of improvements.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Strike out the whole of section 4 of chapter 168 of the Laws of 1913, as amended by section 1, chapter 66, Laws of 1915, and insert in place thereof the following: SECT. 4. Towns through which such highways shall pass shall receive from funds herein provided one half the cost of such improvements within their limits. Towns on state highway to receive half the cost of improvements.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 82.

AN ACT IN AMENDMENT OF SECTION 16 OF CHAPTER 155, LAWS OF 1921,
RELATING TO THE PERMANENT CONSTRUCTION OF HIGHWAY
BRIDGES THROUGHOUT THE STATE.

SECTION 1. Unexpended balance of bridge construction fund to be available for following year.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Unexpended balance of bridge construction fund to be available for following year.

SECTION 1. Amend section 16, chapter 155, Laws of 1921, by adding thereto the following: Any balance which may be unexpended in the fiscal year, shall be available for use the following year, so that section 16, shall read: SECT. 16. To meet the financial obligations of the state to be incurred under the provisions of this act there shall be appropriated annually to meet expenses of new construction the sum of thirty thousand dollars. Any balance which may be unexpended in the fiscal year, shall be available for use the following year.

[Approved May 4, 1923.]

CHAPTER 83.

AN ACT IN AMENDMENT OF SECTION 6, CHAPTER 103, LAWS OF 1915,
RELATING TO THE REPORT OF THE HIGHWAY COMMISSIONER.

SECTION

1. Highway commissioner to make biennial report covering fiscal relations with other departments, also annual report of work done in, and expenditures for year ending Jan. 31 in each year.

SECTION

2. Repealing clause; takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Highway commissioner to make biennial report covering fiscal relations with other departments, also annual report of work done in, and expenditures for year ending Jan. 31 in each year.

SECTION 1. Section 6, chapter 103, Laws of 1915, is hereby amended by striking out all of said section, and inserting in place thereof the following: SECT. 6. Said highway commissioner shall make a biennial report to the governor and council covering all fiscal relations with other state departments in accordance with the provisions of chapter 106, Laws of 1921; and in addition thereto an annual report of the work done and expenditures incurred by

this department for the year ending January 31 in each year, the first report covering such work and expenditures for the year ending January 31, 1924.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage.

Repealing clause;
takes effect on
passage.

[Approved May 4, 1923.]

CHAPTER 84.

AN ACT RELATING TO FISH AND GAME.

SECTION

1. No open season for European partridge, plover, quail and wood duck.
2. Season's kill of ruffed grouse and woodcock limited to twenty-five. Male pheasants, open season for and number to be taken limited.

SECTION

3. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 23, chapter 133, Laws of 1915, as amended by section 5, chapter 140, Laws of 1921, by striking out of said section the word "pheasant," so that said section 23 as amended shall read as follows: SECT. 23. There shall be no open season for European partridge, upland plover, quail and wood duck.

No open season
for European
partridge, plover,
quail and wood
duck.

SECT. 2. Amend section 20, chapter 133, Laws of 1915, as amended by section 31, chapter 184, Laws of 1917, and section 13, chapter 152, Laws of 1919, by striking out in subdivision (c) the word "fifty" wherever it occurs and substituting in place thereof the word twenty-five. Further amend said section 20, chapter 133, Laws of 1915, as amended, by adding to said section a subdivision (d) to read as follows: (d) Male pheasants may be taken and possessed from November first to November sixth inclusive, in Hillsborough, Rockingham and Strafford counties only. A person may take a total of not more than two male pheasants in any one day and a total of not more than five male pheasants in any one open season, so that section 20 as amended shall read as follows: SECT. 20. (a) Ruffed grouse, commonly called partridge, may be taken and possessed from October first to December first. (b) Woodcock may be taken and possessed from October first to December first.

Season's kill of
ruffed grouse and
woodcock limited
to twenty-five.
Male pheasants,
open season for
and number to
be taken limited.

(c) A person may take a total of not more than five ruffed grouse and six woodcock in one day, and a total of not more than twenty-five ruffed grouse and twenty-five woodcock in an open season.

(d) Male pheasants may be taken and possessed from November first to November sixth inclusive, in Hillsborough, Rockingham and Strafford counties only. A person may take a total of not more than two male pheasants in any one day and a total of not more than five male pheasants in any one open season.

Repealing clause;
takes effect on
passage.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 85.

AN ACT IN AMENDMENT OF THE FISH AND GAME LAWS RELATING TO THE TAKING AND POSSESSION OF PICKEREL.

SECTION

1. Pickerel may be taken in various ponds including Ogontz Lake in Lyman.

SECTION

2. Repealing clause; takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Pickerel may be
taken in various
ponds including
Ogontz Lake in
Lyman.

SECTION 1. Amend subsection (b), section 32, chapter 133, Laws of 1915, as amended by section 15, chapter 184, Laws of 1917, and amended by section 1 of chapter 48, Laws of 1921, by inserting after the words "Pearl Lake in Lisbon" the following: Ogontz Lake in Lyman, so that said subsection shall read as follows: (b) Pickerel of any size and in any quantity may be taken and possessed from Sunapee Lake, Crystal Lake in Enfield, Tewksbury Pond in Grafton, Elbow Pond in Woodstock, Partridge Lake in Lyman and Littleton, Pearl Lake in Lisbon, Ogontz Lake in Lyman, Merrymeeting Pond in New Durham, Ella River and all of its tributaries in Farmington, all tributaries of the Coheco river that enter said river in the town of Farmington, Big Dan Hole Pond in Ossipee and Tuftonboro, and from the waters in Coos county at any time. Pickerel not less than twelve inches in length may be taken from Lakes Winnepesaukee, Massabesie, Winnisquam,

Asquam, Wentworth, Spofford and the Connecticut river in Cheshire county, from June first to April first.

SECT. 2. This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith, are hereby repealed.

Repealing clause;
takes effect on
passage.

[Approved May 4, 1923.]

CHAPTER 86.

AN ACT TO AMEND SECTION 8 OF CHAPTER 133 OF THE LAWS OF 1915,
RELATING TO DAMAGES BY GAME BIRDS AND QUADRUPEDS.

SECTION

1. Damages to crops or fruit trees by birds or game protected by law to be appraised by fish and game commissioner; payment therefor by governor; appeal from commissioner.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 8 of chapter 133 of the Laws of 1915, as amended by section 28 of chapter 184 of the Laws of 1917, by striking out the whole thereof, and substituting in place thereof the following: SECT. 8. A person who suffers loss or damage to annual crops or fruit trees by game birds and game quadrupeds protected by law may, on or before April 15 of any year, and later within the discretion of the fish and game commissioner, notify in writing the said commissioner of any loss or damage so suffered during the twelve months preceding, and said commissioner shall investigate each case within thirty days from the receipt by him of notice of such damage, and determine whether such loss or damage was caused by such birds or quadrupeds, and appraise the amount of the damage to be paid, to the end that parties so damaged shall receive full and complete compensation therefor, and all appraisals provided for herein of damage done by said game birds and game quadrupeds shall be made by October first of each year; and said commissioner shall present his certificate of the amount of such loss or damage to the governor, who is hereby authorized to draw his warrant upon the fish and game fund in payment therefor. *Provided, however,* that if the party sustaining the damage is dissatisfied with the finding of the commissioner, either as to the cause of the damage or the amount thereof, he may appeal therefrom within thirty days of notice thereof

Damages to
crops or fruit
trees by birds
or game protected
by law to be
appraised by fish
and game com-
missioner; pay-
ment therefor
by governor;
appeal from
commissioner.

by filing a statement to this effect with said commissioner, and his damages shall thereupon be fixed and appraised by a board of three, which shall consist of the fish and game commissioner or somebody designated by him, the commissioner of agriculture or somebody designated by him, and the governor or somebody designated by him; and in the event that the commissioner fails to make the investigation within the period herein provided, or fails to make the appraisal of damages within the period herein provided, an appeal in like manner shall lie to said board of three persons. The decision of this board shall be final.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 87.

AN ACT AUTHORIZING PERMITS TO KILL INJURIOUS ANIMALS.

SECTION

1. Permits may be issued authorizing landowners to kill protected game causing damage to property.

SECTION

2. Constitutional right of persons not holding permits is not intended to be impaired.
3. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Permits may be issued authorizing landowners to kill protected game causing damage to property.

SECTION 1. The fish and game commissioner is hereby authorized and empowered upon application of any owner of land within this state, setting forth in substance that any kind of animal protected by the laws of this state is causing damage to the property of such owners or of others, to issue to such land owner or to other residents of this state named by him a special permit to be exercised only during the period of time designated therein which shall not extend beyond the calendar year in which issued, authorizing the holder thereof to kill such animals upon the land of such owner to be described or designated in such permit; and it shall be lawful for the holder of such permit to proceed in accordance with the terms thereof, and such holder shall dispose of any animals killed by him under the terms of the permit, as may be directed by said commissioner. No such permit shall be issued unless the commissioner shall be satisfied that the same is reasonably required in order to prevent the damage set forth in such application; and any such permit may be revoked by said commissioner

upon notice to the holder thereof. Holders of permits issued under the provisions of this section shall on or before the thirty-first day of January in each year or as required by said commissioner report in writing the number of animals killed by him under such permit. Any holder of such permit who shall fail to comply with the provisions of this act shall on conviction thereof be fined not exceeding one hundred dollars.

SECT. 2. The provisions of this act shall not be construed to impair the constitutional rights of persons not holding permits herein provided for to protect their property from injury or destruction by animals protected by the laws of this state.

SECT. 3. All acts or parts of acts inconsistent with this act are hereby repealed and this act shall take effect on its passage.

Constitutional right of persons not holding permits is not intended to be impaired.

Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 88.

AN ACT IN AMENDMENT OF CHAPTER 125, LAWS OF 1921, PROVIDING FOR A REDUCTION IN THE ALLOTMENTS OF STATE AID FOR SCHOOLS WHEN THE APPROPRIATION IS INSUFFICIENT TO MEET THE APPROVED CLAIMS OF THE SCHOOL DISTRICTS.

SECTION

1. Where approved claims of districts entitled to state aid are in excess of appropriation, reduction in allotments to be made to bring total grants within limit of appropriation.

SECTION

2. Repealing clause: takes effect July 1, 1923.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 22, chapter 106, Laws of 1919, as amended by section 7, chapter 125, Laws of 1921, by striking out the clause "and *provided, furthermore*, that if in any year the approved claims of the several districts entitled to state aid shall be in excess of the appropriation a sufficient number of districts shall be omitted from the distribution to bring the total amount of the grants within the limits of the appropriation. The eliminated districts shall be those in which payments for current local expenditures for public education, as measured in dollars and cents per one thousand dollars of equalized valuation, were, during the previous year, the lowest" and substituting therefor the following: and *provided*,

Where approved claims of districts entitled to state aid are in excess of appropriation, reduction in allotments to be made to bring total grants within limit of appropriation.

furthermore, that if in any year the approved claims of the several districts entitled to state aid shall be in excess of the appropriation that a sufficient reduction in the amount of the allotments shall be made to bring the total amount of the grants within the limit of the appropriation. The reduction in the allotment of each district shall bear the same ratio to the total reduction necessary as the district's equalized valuation bears to the total of the equalized valuations of all the districts entitled to state aid in that year, so that section 5, as amended, shall read as follows: SECT. 5. In any district in which a sum equal to one half of one per cent. of the equalized valuation of the district, that is, the valuation on which the state tax is apportioned, is insufficient to maintain the required elementary and special schools and to purchase the required textbooks, scholars' supplies, flags and appurtenances, the state board shall provide the balance of the money necessary from the money appropriated to carry out the provisions of this act; *provided, however*, that in towns or cities comprising more than one school district no special or town district shall be entitled to the benefits of the provisions of this section unless the town or city in which it is situated would be entitled on the basis of the expenditures of the previous year, to the benefits thereof if it constituted a single district; and *provided, furthermore*, that if in any year the approved claims of the several districts entitled to state aid shall be in excess of the appropriation that a sufficient reduction in the amount of the allotments shall be made to bring the total amount of the grants within the limit of the appropriation. The reduction in the allotment of each district shall bear the same ratio to the total reduction necessary as the district's equalized valuation bears to the total of the equalized valuations of all the districts entitled to state aid in that year; except that the state board shall have authority in its discretion to withhold from such general distribution an amount not exceeding five per cent. of the appropriation for state aid which it may use to furnish additional aid to districts where special need exists. As the term is used in this act, the equalized valuation of a school district is the equalized valuation of the city or town of which it is composed; and in a city or town comprising more than one school district, the equalized valuation of any district shall be such a fraction of the equalized valuation of the whole city or town as the assessed valuation of the district is of the assessed valuation of the whole city or town. The sum total of aid granted in any year to any district, or to all the districts of any one town, shall not exceed \$6,000.

Repealing clause;
takes effect
July 1, 1923.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect July 1, 1923.

[Approved May 4, 1923.]

CHAPTER 89.

AN ACT IN AMENDMENT OF SECTION 1 OF CHAPTER 96 OF THE SESSION LAWS OF 1901 ENTITLED, "AN ACT RELATING TO HIGH SCHOOLS," AS AMENDED BY CHAPTER 118 OF THE SESSION LAWS OF 1903 AS AMENDED BY CHAPTER 16, LAWS OF 1917.

SECTION

1. District not maintaining high school shall pay for tuition of resident child who attends high school, etc., in another district.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 24, part IV, chapter 85, Laws of 1921, by striking out the whole thereof and substituting in place thereof the following: SECT. 24. Any district not maintaining a high school or school of corresponding grade shall pay for the tuition of any child who with parents or guardian resides in said district and who attends a high school or academy in another district in this state, and the parent or guardian of such child shall notify the school board of the district in which he resides of the high school or academy which he has determined to attend; *provided, however,* that no district shall be liable for tuition of a child in any school, in excess of the average cost per child of instruction for the regularly employed teachers of that school and the cost of textbooks, supplies, and apparatus during the school year preceding, nor in any case shall the district be liable for tuition for any child in excess of seventy dollars (\$70) per year and in senior high school work only.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 90.

AN ACT TO PROVIDE SAFETY EXIT FACILITIES OF SCHOOLHOUSES.

SECTION

1. One exit from school buildings to be equipped with release bar or other device for opening from exit.
2. Main exits and all doors leading to fire escapes to be equipped with safety devices where more than two hundred children are in attendance.

SECTION

3. How lock or safety device shall operate.
4. School buildings to be equipped with safety devices before Sept. 1, 1924.
5. Buildings not equipped as prescribed may be condemned.
6. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

One exit from school buildings to be equipped with release bar or other device for opening from exit.

SECTION 1. Authorities in charge of all buildings used for school purposes of two or more rooms or where fifty or more pupils may be in attendance, shall, upon the passage of this act, equip, or cause to be equipped, at least one outside door regularly used as an exit, with key locks that can be locked on the outside only, but that can always be easily opened on the inside by simply turning the knob or pressing the release bar. The use of bolts, except to hold one half of a double door, hooks, thumb knobs, or other locking devices upon such outside doors shall be prohibited.

Main exits and all doors leading to fire escapes to be equipped with safety devices where more than two hundred children are in attendance.

SECT. 2. Any school building in which two hundred or more children may be in attendance shall have its main exit doors, and all doors leading to fire escapes, equipped as specified in section 1 of this act, and all main exits in such buildings shall be equipped with some safety device whereby the door may always be opened easily toward the outside by pressure against the same from the inside.

How lock or safety device shall operate.

SECT. 3. It shall not be possible to lock any door equipped as specified in sections 1 and 2 of this act so that the lock or safety opening device will not be easily operated by pressure being brought to bear against the same.

School buildings to be equipped with safety devices before Sept. 1, 1924.

SECT. 4. All school buildings coming within the provisions of this act must be equipped with such devices as are herein specified before September 1, 1924.

Buildings not equipped as prescribed may be condemned.

SECT. 5. School buildings failing to meet the requirements of this act may be condemned as unfit for school purposes and their use forbidden.

Takes effect on passage.

SECT. 6. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 91.

AN ACT IN AMENDMENT OF CHAPTER 163 OF THE LAWS OF 1911, ENTITLED "AN ACT IN RELATION TO EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION."

SECTION

1. An employer who has accepted employers' liability act, required to furnish free medical and hospital service for first fourteen days after injury; such rendering of service not to be evidence of liability. Notice of accident and claim for compensation when to be made; notice what to contain and how to be served.

SECTION

2. Amount of compensation how determined.
3. Takes effect on passage, but not to impair rights previously existing.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Strike out all of section 5 of chapter 163 of the Laws of 1911, and insert the following section in place thereof, so that when amended said section will read as follows: SECT. 5. During the first fourteen days after an injury to an employee, an employer who has accepted the compensation provisions of this act as provided in section 3, shall furnish or cause to be furnished free of charge to the employee, reasonable medical and hospital services or other remedial care when needed, unless the injured employee shall decline or refuse to allow them to be furnished, *provided* that if the injured employee or his guardian or administrator shall elect to proceed under the common law or statutes in force January 1, 1911, as provided by section 4 of this chapter, then the furnishing of medical or hospital services or other remedial care shall not be evidence of liability in such action. No proceedings for compensation other than medical or hospital services or other remedial care as aforesaid, under this act shall be maintained unless notice of the accident as hereinafter provided has been given to the employer as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured and during such disability, and unless claim for compensation has been made within six months from the occurrence of the accident, or in case of the death of the workman, or in the event of his physical or mental incapacity, within six months after such death or the removal of such physical or mental incapacity, or in the event that weekly payments have been made under this article, within six months after such payments have ceased, but no want or defect or inaccuracy of a notice shall be a bar to the maintenance of proceedings unless the employer proves that he is prejudiced by such want, defect or inaccuracy. Notice

An employer who has accepted employers' liability act, required to furnish free medical and hospital service for first fourteen days after injury; such rendering of service not to be evidence of liability. Notice of accident and claim for compensation when to be made; notice what to contain and how to be served.

of the accident shall apprise the employer of the claim for compensation under this article, and shall state the name and address of the workman injured, and the date and place of the accident. The notice may be served personally or by sending it by mail in a registered letter addressed to the employer at his last known residence or place of business.

Amount of compensation how determined.

SECT. 2. Amend section 6, division (1), subdivision (a), by striking out the words "resident of this state," and amend division (2) of said section by inserting in the first sentence after the words "gainful employment" the words for not less than one week, and by striking out in said sentence the words "at the end of the second week after" and by inserting in place thereof the words from the time of, and further amend said division (2) by striking out the words "ten dollars" as the same appear therein and by substituting therefor the words fifteen dollars, so that as amended, said section shall read: SECT. 6. (1) The amount of compensation shall be, in case death results from injury: (a) If the workman leaves any widow, children or parents, at the time of his death, then wholly dependent on his earnings, a sum to compensate them for loss, equal to one hundred and fifty times the average weekly earnings of such workman when at work on full time during the preceding year during which he shall have been in the employ of the same employer, or if he shall have been in the employment of the same employer for less than a year then one hundred and fifty times his average weekly earnings on full time for such less period, but in no event shall such sum exceed three thousand dollars. Any weekly payments made under this act shall be deducted from the sum so fixed. (b) If such widow, children or parents at the time of his death are in part only dependent upon his earnings, such proportion of the benefits provided for those wholly dependent as the amount of the wage contributed by the deceased to such partial dependents at the time of injury bore to the total wage of the deceased. (c) If he leaves no such dependents, the reasonable expenses of his medical attendance and burial, not exceeding one hundred dollars. Whatever sum may be determined to be payable under this act in case of death of the injured workman shall be paid to his legal representative for the benefit of such dependents, or if he leaves no such dependents, for the benefit of the persons to whom the expenses of medical attendance and burial are due.

(2) Where total or partial incapacity for work at any gainful employment for not less than one week results to the workman from the injury, a weekly payment commencing from the time of the injury and continuing during such incapacity, subject as herein provided, not exceeding fifty per centum of his average weekly earnings when at work on full time during the preceding year during which he shall have been in the employment of the same

employer, or if he shall have been in the employment of the same employer for less than a year, then a weekly payment of not exceeding one half the average weekly earnings on full time for such less period. In fixing the amount of the weekly payment, regard shall be had to the difference between the amount of the average earnings of the workman before the accident and the average amount he is able to earn thereafter as wages in the same employment or otherwise. In fixing the amount of the weekly payment, regard shall be had to any payment, allowance or benefit which the workman may have received from the employer during the period of his incapacity, and in the case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in the same employment or otherwise after the accident, but shall amount to one half of such difference. In no event shall any compensation paid under this act exceed the damage suffered, nor shall any weekly payment payable under this act in any event exceed fifteen dollars a week or extend over more than three hundred weeks from the date of the accident. Such payment shall continue for such period of three hundred weeks *provided* total or partial disability continue during such period. No such payment shall be due or payable for any time prior to the giving of the notice required by section 5 of this act.

SECT. 3. This act shall take effect upon its passage but these amendments shall not alter or impair rights of actions or causes of actions existing when this act takes effect but all such shall be determined by the law as it heretofore existed.

Takes effect on passage, but not to impair rights previously existing.

[Approved May 4, 1923.]

CHAPTER 92.

AN ACT IN AMENDMENT OF CHAPTER 212 OF THE LAWS OF 1913, RELATING TO ADVERTISEMENTS DURING STRIKES, LOCKOUTS OR OTHER LABOR DISPUTES.

SECTION

1. Violation of law as to advertisements during labor disputes, etc., how punished.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Violation of law as to advertisements during labor disputes, etc., how punished.

SECTION 1. Amend section 3, chapter 212 Laws of 1913 as amended by section 2, of chapter 99 of the Laws of 1917 by striking out the whole thereof and substituting the following: SECT. 3. If any person or persons shall violate any provision of this chapter, or shall authorize or permit the violation of any provision of this chapter, he shall be guilty of a misdemeanor and subject to a fine not exceeding one hundred dollars, or imprisonment not exceeding six months or both.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 93.

AN ACT IN AMENDMENT OF SECTION 16, CHAPTER 92, LAWS OF 1919, AS AMENDED BY CHAPTER 97, LAWS OF 1921, SAID ACT RELATING TO BUSINESS CORPORATIONS.

SECTION

1. Until capital stock with voting right has been issued, incorporators to exercise corporate powers; after such issue, powers, etc., of incorporators shall cease.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Until capital stock with voting right has been issued, incorporators to exercise corporate powers; after such issue, powers, etc., of incorporators shall cease.

SECTION 1. Amend section 16 of chapter 92 of the Laws of 1919, as amended by chapter 97 of the Laws of 1921, by striking out the whole of said section and by substituting therefor the following: SECT. 16. Until some of the capital stock with right to vote to be presently issued as set forth in the votes of the incorporators as hereinbefore provided shall have been issued.

the incorporators shall continue to exercise the powers of the corporation and may hold meetings in accordance with the provisions of the by-laws or upon waiver of notice signed by all the incorporators or in accordance with the adjournment of a previous meeting, and either directly or through the board of directors may provide for the issue of capital stock in accordance with the record of organization. When any of such stock with right to vote shall have been so issued, the powers, duties and liabilities of the incorporators as such shall cease and the powers of the corporation shall thereafter vest in the stockholders.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved May 4, 1923.]

CHAPTER 94.

AN ACT IN AMENDMENT OF SECTION 1, CHAPTER 93, LAWS OF 1919, REQUIRING ANNUAL RETURNS OF CORPORATIONS.

SECTION 1. Returns of corporations to secretary of state to be on or before April 1, annually.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Amend section 1, chapter 93, Laws of 1919, by striking out the word "March" in lines seven and nineteen, and inserting in place thereof the word April, so that said section, as amended, shall read as follows: SECTION 1. Every corporation engaged in business within this state, whose object is a dividend of profits, and every such corporation organized under the laws of this state which is engaged in business outside this state, except in any case insurance companies, railroads and public utility corporations making annual returns to the public service commission, banks, and building and loan associations, shall annually, on or before April 1 of each year make a return in writing to the secretary of state upon blanks to be furnished by him upon request, said returns to be signed by and under the oath of the president or vice-president and of the treasurer or assistant treasurer of such corporation, and to state the amount of its authorized capital stock, the amount, number of shares and the par value thereof, if any, of its stock issued and outstanding, the amount of all indebtedness due to and from the corporation and the value of all its property and assets, so far as the same can be ascertained,

Returns of
corporations to
secretary of state
to be on or before
April 1, annually.

as existing on the first day of the preceding January. Every such corporation shall pay to the secretary of state, with such annual return, a filing fee of five dollars. The secretary of state shall, on or after April 2 of each year notify by registered mail, postage paid, every such corporation which shall fail to file the annual return or pay the filing fee required by this section, by a written or printed notice of such failure, said notice to be addressed to such corporation at its principal place of business as appearing upon the records in the office of the secretary of state, or in the case of any such corporation not organized under the laws of this state said notice may be addressed to any officer, agent, or employee of the corporation having charge of any of its business or custody of any of its property within this state, and said notice to contain a copy of this section. After the mailing of such notice as herein provided, it shall be the duty of every such corporation and every such officer, agent and employee to whom any such notice shall have been mailed and addressed as herein provided, to make or cause to be made within thirty days after the date of such mailing the return and payment of the filing fee provided by this section and also payment of an additional notification fee of five dollars; and any such corporation and any such officer, agent, and employee wilfully neglecting or failing to perform said duty, shall, upon conviction, be fined not exceeding one thousand dollars. Any person who as treasurer or director shall subscribe or make oath to any such return containing any false statement known to such person to be false, shall upon conviction thereof be fined not exceeding five thousand dollars or imprisoned not exceeding five years or both. The attorney-general shall prosecute violations of this section, and all fees and fines collected under the provisions hereof shall be paid into the state treasury. Sections 4, 16, and 17 of chapter 150 of the Public Statutes and amendments thereto are hereby repealed.

[Approved May 4, 1923.]

CHAPTER 95.

AN ACT IN AMENDMENT OF SECTION 3, CHAPTER 187 OF THE SESSION LAWS OF THE YEAR 1913, RELATING TO THE REGISTRATION OF FOREIGN CORPORATIONS.

SECTION 1. Foreign corporations to be liable to penalty for non-registration; action by such non-registering corporations not maintainable until after registration.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 3, chapter 187, of the session Laws of the year 1913 by striking out all of said section after the words "so long as it fails to comply with the requirements of this act," so that said section as amended shall read as follows: SECT. 3. Every such corporation which fails to comply with the requirements of section 1 shall be liable to a fine of not more than five hundred dollars. Such failure shall not affect the validity of any contract with such corporation, but no action shall be maintained or recovery had in any of the courts of this state by any such foreign corporation so long as it fails to comply with the requirements of this act.

Foreign corporations to be liable to penalty for non-registration; action by such non-registering corporations not maintainable until after registration.

[Approved May 4, 1923.]

CHAPTER 96.

AN ACT IN AMENDMENT OF SECTION 7 OF CHAPTER 58 OF THE LAWS OF 1915, ENTITLED "AN ACT CREATING A BOARD OF BANK COMMISSIONERS AND ABOLISHING THE OFFICE OF STATE AUDITOR."

SECTION

1. Salary of bank commissioners; of examiner and clerks; expenses.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Strike out section 7 of chapter 58 of the Laws of 1915 and substitute the following: SECT. 7. The annual salary of the chairman of the board of bank commissioners shall be thirty-five hundred dollars, and the annual salary of each of his associates shall be twenty-seven hundred and fifty dollars. The bank

Salary of bank commissioners; of examiner and clerks; expenses.

commission shall have authority to appoint an examiner at an annual salary of two thousand dollars, and two clerks, one at an annual salary of fourteen hundred dollars, and one at an annual salary of Class C as established by chapter 118, Laws of 1921, "An Act to equalize the salaries of certain state officials and establish maximum salary limits." The commissioners and the examiner shall be allowed their actual traveling expenses when engaged in their official duties, upon approval of the governor and council.

Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 97.

AN ACT RELATING TO THE SALARY OF THE MOTOR VEHICLE COMMISSIONER.

SECTION

1. Salary of commissioner fixed.
2. Repealing clause.

SECTION

3. Takes effect July 1, 1923.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Salary of commis-
sioner fixed.

SECTION 1. The salary of the motor vehicle commissioner is hereby established at three thousand dollars.

Repealing clause.

SECT. 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Takes effect July
1, 1923.

SECT. 3. This act shall take effect July 1, 1923.

[Approved May 4, 1923.]

CHAPTER 98.

AN ACT IN AMENDMENT OF CHAPTER 220 OF THE LAWS OF 1917, ENTITLED: AN ACT RELATING TO THE SALARIES OF CERTAIN STATE OFFICIALS, IN AMENDMENT OF SECTION 11, CHAPTER 286 OF THE PUBLIC STATUTES.

SECTION

1. Salary of warden of state prison fixed.

SECTION

2. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Strike out section 7 of chapter 220 of the Laws of 1917 and insert in place thereof the following: SECT. 7. Amend section 11, chapter 286 of the Public Statutes, as amended, by striking out the whole of said section and substituting in place thereof the following: SECT. 11. The salary of the warden of the state prison shall be \$2,500, with such allowances or expenses as the governor and council may approve.

Salary of Warden of state prison fixed.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 99.

AN ACT TO AMEND CHAPTER 38, LAWS OF 1913, "AN ACT PROVIDING FOR THE BI-WEEKLY PAYMENT OF ALL STATE EMPLOYEES, EXCEPT SALARIED OFFICERS."

SECTION

1. Compensation of state employees when to be paid in bi-weekly payments.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 1, chapter 38, Laws of 1913 by striking out, after the word "New Hampshire" in the second line, the words "who are not under salary shall receive their wages", and inserting in place thereof the following: except those who

Compensation of state employees when to be paid in bi-weekly payments.

are receiving more than two thousand dollars per annum shall be paid their compensation, so that said section as amended shall read: SECTION 1. All persons performing regular work in the service of the state of New Hampshire except those who are receiving more than two thousand dollars per annum shall be paid their compensation in bi-weekly payments.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 100.

AN ACT IN AMENDMENT OF CHAPTER 118 OF THE SESSION LAWS OF 1921, ENTITLED "AN ACT TO EQUALIZE THE SALARIES OF CERTAIN STATE OFFICIALS AND ESTABLISH MAXIMUM SALARY LIMITS."

SECTION

1. Salary of secretary of public library commission fixed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Salary of secretary of public library commission fixed.

SECTION 1. Amend the last line of section 1 of chapter 118 of the session Laws of 1921, by striking out the figures "\$1,400" and inserting \$2,000 in place thereof, so that the salary of the secretary of the public library commission shall be \$2,000 annually.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 101.

AN ACT TO REGULATE THE SALARY OF THE SOLICITOR OF ROCKINGHAM COUNTY.

SECTION

1. Salary of solicitor, etc., of Rockingham county fixed.

SECTION

2. Repealing clause; takes effect as of April 1, 1923.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The salary of the solicitor for Rockingham county shall be eleven hundred dollars per annum payable as now provided by law. Salary of solicitor, etc., of Rockingham county fixed.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and upon its passage this act shall take effect as of April 1, 1923. Repealing clause; takes effect as of April 1, 1923.

[Approved May 4, 1923.]

CHAPTER 102.

AN ACT RELATING TO THE SALARY OF THE DEPUTY REGISTER OF PROBATE OF THE COUNTY OF MERRIMACK.

SECTION

1. Salary of deputy register of probate of Merrimack county fixed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The salary of the deputy register of probate of the county of Merrimack shall hereafter be one thousand dollars per annum, payable as now provided by law; and so much of section 4, chapter 88 of the Laws of 1907 and amendments thereto, as is inconsistent with this act is hereby repealed. Salary of deputy register of probate of Merrimack county fixed.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 103.

AN ACT RELATING TO THE SALARY OF THE STATE AGENT FOR THE BLIND.

SECTION

1. Salary of state agent for blind fixed.

SECTION

2. Repealing clause; takes effect July 1, 1923.

Be it enacted by the Senate and House of Representatives in General Court convened:

Salary of state agent for blind fixed.

SECTION 1. The salary of the state agent for the blind is hereby fixed at fifteen hundred dollars per year.

Repealing clause; takes effect July 1, 1923.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed; and this act shall take effect July 1, 1923.

[Approved May 4, 1923.]

CHAPTER 104.

AN ACT IN AMENDMENT OF SECTION 1, CHAPTER 30, LAWS OF 1915, RELATING TO MUNICIPAL COURTS.

SECTION

1. Salaries of special justices of municipal courts of Manchester and Nashua fixed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Salaries of special justices of municipal courts of Manchester and Nashua fixed.

SECTION 1. Amend section 1, chapter 30, Laws of 1915, by striking out all of said section after the word "special" in line twenty-one and inserting in place thereof the following: justices of the municipal courts for Manchester and Nashua, shall be three hundred and fifty dollars, to be paid by said cities, respectively, quarterly, so that said section, as amended, shall read as follows: SECTION 1. In each city and town in this state having not less than two thousand inhabitants there is hereby established a municipal court, to consist of one learned, able, and discreet person who shall be appointed and commissioned as justice thereof by the governor with the advice and consent of the council, and a special justice, appointed and commissioned in like manner. In the absence, inability, or disqualification of the justice of a municipal court, the special justice shall perform the duties and exercise the powers of the justice. If the justice and special justice are disqualified or

unable from any cause to sit in any case, a disinterested justice of the peace, attending upon written request of the justice, may hear and determine the case and issue final process therein, and he shall keep a record thereof, which shall be kept with and constitute a part of the records of said court, all of which shall have like effect as if it were heard and determined by the justice of said court. The special justice and justice of the peace requested to sit owing to the disqualification of the justice and special justice shall be paid, from the treasury of the city or town wherein said court is located, a compensation of three dollars per day for each day or part thereof that he shall serve in said capacity; *provided, however,* that the salary of the special justices of the municipal courts of Manchester and Nashua, shall be three hundred and fifty dollars annually, to be paid by said cities, respectively, quarterly.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 105.

AN ACT IN RELATION TO STANDARD TIME.

SECTION

1. Standard time defined. Establishment of other system of time by municipality unlawful.

SECTION

2. Penalty for violation.
3. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That, within the state of New Hampshire, the standard time shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, known and designated by the federal statute as "United States Standard Eastern Time." It shall be unlawful for any town or other municipality to vote for or otherwise establish any other system of time. Standard time defined. Establishment of other system of time by municipality unlawful.

SECT. 2. Any violation of the provisions of this act shall be punishable by a fine not exceeding \$500. Penalty for violation.

SECT. 3. Chapter 15, Laws of 1921, and all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 106.

AN ACT RELATING TO THE NEW HAMPSHIRE COLLEGE OF AGRICULTURE
AND THE MECHANIC ARTS AND ESTABLISHING THE UNIVERSITY OF
NEW HAMPSHIRE.

SECTION

1. University of New Hampshire established; object; degrees; powers of trustees.
2. Trustees how to be constituted.
3. Trustees to carry on work consistently with act of congress donating land and with bequests and gifts for benefit of college.

SECTION

4. University to include what colleges, schools, departments, etc.
5. Trustees of college to continue management of its property and affairs, etc., and also of that of university.
6. Takes effect July 1, 1923.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

University of
New Hampshire
established; ob-
ject; degrees;
powers of
trustees.

SECTION 1. That a university is hereby established, incorporated and made a body politic and corporate, by the name of the University of New Hampshire, the object of which shall be to teach such branches of learning and to prosecute such researches as may be necessary and desirable in the education of youth and the advancement and development of the arts, the sciences and the industries, and of such nature, scope and standard as usually prevail in the tax-supported universities of the several states, and is authorized to grant and confer in the name of the University of New Hampshire all such degrees, literary titles, honors and distinctions as other such universities may of right do, and the trustees of said university are further authorized to define and prescribe the standard, scope and nature of the instruction and attainments necessary in order to qualify for such degrees, titles, honors and distinctions, and to issue such bulletins, announcements and reports in the name of the University of New Hampshire as may be found necessary or desirable in publishing and defining the standard, scope, quality and nature of the educational work of the corporation.

Trustees how to
be constituted.

SECT. 2. The persons now constituting the board of trustees of the New Hampshire College of Agriculture and the Mechanic Arts and their successors shall constitute the board of trustees of the University of New Hampshire.

Trustees to carry
on work consis-
tently with act
of congress
donating land and
with bequests and
gifts for benefit
of college.

SECT. 3. The trustees of the New Hampshire College of Agriculture and the Mechanic Arts are hereby authorized to carry on the work of the college in connection with and as a part of the work of the university, in such manner as to be consistent with the provisions of an act of Congress approved July 2, 1862, entitled "An Act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," and the supplements to and amendments

of said act, and with the terms of the bequest made to the state of New Hampshire by the late Benjamin Thompson of Durham and of other gifts made to the college or to the state for the benefit of the college, and with the continuance of the separate corporate existence of the college under the several acts of the legislature heretofore enacted for the purposes therein set forth.

SECT. 4. The University of New Hampshire shall also include a college of technology or engineering and a college of arts and science, and such schools, departments and divisions as are consistent with such organization, and such other colleges, schools, departments or divisions as the legislature may authorize.

University to include what colleges, schools, departments, etc.

SECT. 5. The trustees of the college shall continue to have the management and control of its property and affairs and as *ex-officio* trustees of the university shall have the entire management and control of its property and affairs, including the power to accept legacies and other gifts to or for the benefit of the university, and the employment of teachers and such other persons as may be necessary to carry out the purposes for which the university is created.

Trustees of college to continue management of its property and affairs, etc., and also of that of university.

SECT. 6. This act shall take effect July 1, 1923.

Takes effect July 1, 1923.

[Approved May 4, 1923.]

CHAPTER 107.

AN ACT IN AMENDMENT OF SECTION 13 OF CHAPTER 191 OF THE PUBLIC STATUTES, RELATING TO SUITS BY AND AGAINST ADMINISTRATORS.

SECTION

1. Damages recovered for death by wrongful act, how to be distributed.

SECTION

2. Takes effect July 1, 1923.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 13 of chapter 191 of the Public Statutes by striking out the whole of said section and inserting in place thereof the following: SECT. 13. In such case, the damages recovered, less the expenses of recovery, shall belong and be distributed as follows:

Damages recovered for death by wrongful act, how to be distributed.

I. To the widow or widower of the deceased, one half thereof; and to the dependent children, if any, the other half in equal shares.

II. If there be no dependent child, to the widow or widower the whole thereof.

III. If there be no child and no widow or widower, to the heirs-at-law of the deceased according to the laws of distribution.

IV. If there be a child or children and no widow or widower, to the children of the deceased in equal shares the whole thereof, *provided* no child or children are dependent. If there be minor children and dependent child or children, the whole thereof to the minor children and the dependent child or children in equal shares.

Takes effect July 1, 1923.

SECT. 2. This act shall take effect July 1, 1923.

[Approved May 4, 1923.]

CHAPTER 108.

AN ACT IN AMENDMENT OF CHAPTER 80, OF THE LAWS OF 1907, RELATING TO MARRIAGES.

SECTION

1. Age of consent to be twenty years in males and eighteen in females.

SECTION

2. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Age of consent to be twenty years in males and eighteen in females.

SECTION 1. Section 2 of chapter 80, Laws of 1907, is hereby amended by inserting after the word "male" in the first sentence of said section, the word twenty in place of the word "eighteen" and after the word "female," the word eighteen in place of the word "sixteen," and by inserting after the word "consent" in the sixth line the words, or at the suit of his or her parent or guardian, so that said section as amended shall read: SECT. 2. The age of consent shall be in the male, twenty years and in the female, eighteen years. Any marriage contracted by a person below the age of consent, except as hereinafter provided, may in the discretion of the superior court be annulled at the suit of the party who at the time of contracting such marriage was below the age of consent, or at the suit of his or her parent or guardian, unless such party after arriving at such age shall have confirmed the marriage.

Repealing clause; takes effect on passage.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 109.

AN ACT IN AMENDMENT OF SECTION 4, CHAPTER 76, LAWS OF 1895,
RELATING TO THE PROTECTION FROM POLLUTION OF SOURCES OF
WATER USED FOR DOMESTIC PURPOSES.

SECTION

1. Bathing prohibited in lake, etc.,
used as water supply, under
penalty.

SECTION

2. Repealing clause; takes effect on
passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Amend section 4, chapter 76, Laws of 1895, by striking out the words "one fourth of a mile of the point where said water is taken," and substituting in place thereof the following: the limits prescribed for the protection of said water supply by the local and state board of health, so that said section as amended shall read as follows: SECT. 4. If any person shall bathe in such lake, pond, or reservoir within the limits prescribed for the protection of said water supply by the local and state board of health, he shall be fined not exceeding twenty dollars or imprisoned not exceeding six months.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 110.

AN ACT IN AMENDMENT OF PARAGRAPH 9 OF SECTION 1, CHAPTER 83 OF
THE PUBLIC STATUTES, RELATING TO PAUPERS.

SECTION

1. Settlement how gained by residence
and payment of taxes.

SECTION

2. Repealing clause; takes effect on
passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Amend paragraph IX of section 1, chapter 83 of the Public Statutes as amended by chapter 110 of the Laws of 1903 and by chapter 172 of the Laws of 1911, by striking out the

whole of said paragraph IX and substituting in place thereof the following: IX. Any person of the age of twenty-one years who shall have resided in any town in this state seven years within the last ten years, shall have paid all taxes legally assessed on his poll for seven years or on real estate or personal property for four years during the last ten years, shall thereby gain a settlement in such town.

Repealing clause;
takes effect on
passage.

SECT. 2. All acts or parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 111.

AN ACT TO REGULATE THE SUPPLY OF FUEL.

SECTION

1. Public service commission authorized to determine standard for anthracite coal.
2. No person to sell other than standard anthracite coal without giving notice to purchaser as to quality of coal sold.

SECTION

3. In emergency, governor, etc., may appoint fuel administrator who may fix prices and standards; powers of fuel administrator; appeal from his rules or regulations to governor, etc.
4. Violation of rule or regulation of fuel administrator, how punished.
5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Public service
commission au-
thorized to de-
termine standard
for anthracite
coal.

SECTION 1. The public service commission is hereby authorized and instructed to fix reasonable standards with respect to the amount of bone, slate or other foreign substances which may be contained in anthracite coal sold as standard coal within this state. Such standards shall be set forth in an order or orders and shall take effect at such time as shall be stated therein and remain in force until modified by the commission. In fixing such standards due regard shall be had for the custom of the trade as carried on by reputable dealers, and the orders of the commission shall be designed to protect the public from imposition.

No person to
sell other than
standard anthra-
cite coal without
giving notice to
purchaser as to
quality of coal
sold.

SECT. 2. No person shall sell or offer for sale any anthracite coal which does not comply with the standards fixed in accordance with section 1 without first notifying the purchaser of the character and quality of the coal sold or offered for sale, and that the same does not comply with such standards.

SECT. 3. If at any time the governor and council shall determine that an emergency exists requiring public regulation of the supply and sale of fuel for any purpose, the governor with the advice and consent of the council is hereby authorized to appoint a fuel administrator who shall hold office until the governor and council shall determine that the emergency has ceased to exist, and who shall have authority to make such rules and regulations with respect to the sale and distribution of fuel, including the fixing of prices and standards, as the public good may require. Such rules and regulations shall supersede for the time being any orders of the public service commission with which the same may conflict. The fuel administrator shall have authority to compel the attendance of witnesses and the production of documents, and may examine the books and papers of individuals, firms, associations or corporations producing or dealing in fuel, and may compel the co-operation of all officers, boards, commissions and departments of this state having information that may assist him in making investigations in the discharge of his duties. The fuel administrator may also appoint such assistants as he may deem necessary to carry out the provisions of this act. The governor and council, on appeal by any interested party, may modify or rescind any rule or regulation of the fuel administrator.

In emergency, governor, etc., may appoint fuel administrator who may fix prices and standards; powers of fuel administrator; appeal from his rules or regulations to governor, etc.

SECT. 4. Any person who shall knowingly violate any provision of this act or shall fail to comply with any rule or regulation of the fuel administrator issued in accordance with section 3 shall for each offense be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment for not less than one month nor more than one year, or both.

Violation of rule or regulation of fuel administrator, how punished.

SECT. 5. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 112.

AN ACT IN AMENDMENT OF SECTION 2, CHAPTER 116, LAWS OF 1913,
RELATING TO CABOOSE CARS.

SECTION

1. Caboose cars to be equipped with
two four-wheeled trucks.

SECTION

2. Repealing clause; takes effect on
passage.*Be it enacted by the Senate and House of Representatives in
General Court convened:*Caboose cars to
be equipped with
two four-wheeled
trucks.

SECTION 1. Amend section 2, chapter 116, Laws of 1913, by striking out all of said section as it now stands and inserting in place thereof the following: SECT. 2. From and after the first day of July, 1924, it shall be unlawful for any such common carrier by railroad to build, construct, purchase or operate within this state any caboose car or any other car used for like purposes unless such caboose or other car shall be equipped with two four-wheeled trucks; *provided, however*, that it shall not be unlawful for any such common carrier to operate within this state any such caboose car equipped with two-wheeled trucks in switching within yard limits or on runs which do not require the same crew to use any such caboose car for a greater distance than ten miles in the same day from the point where their work begins.

Repealing clause;
takes effect on
passage.

SECT. 2. All acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 113.

AN ACT TO INCREASE THE BOUNTY ON WILD CATS.

SECTION

1. Bounty on wild cats fixed.

SECTION

2. Repealing clause; takes effect on
passage.*Be it enacted by the Senate and House of Representatives in
General Court convened:*Bounty on wild
cats fixed.

SECTION 1. Amend subdivision (d), section 17, chapter 133, Laws of 1915 as amended by section 2, chapter 152, Laws of 1919 and section 1, chapter 39 of the Laws of 1921 by striking out the word "ten" after the word "of" in the fifth line and inserting in

place thereof the word twenty, so that said subdivision as amended shall read as follows: (d) The furs or skins of fur-bearing animals legally taken may be bought and sold at any time.

The selectmen of any town, upon the presentation to them of the head of any wild cat killed in New Hampshire, shall pay to the person presenting the same the sum of twenty dollars, shall take possession of said heads, and shall report annually to the state treasurer, showing the number of animals killed and the amount paid therefor as bounty, if any. The towns paying the money as hereinbefore provided shall be reimbursed by the state treasurer for such sums as they shall have so expended.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage. Repealing clause;
takes effect on
passage.

[Approved May 4, 1923.]

CHAPTER 114.

AN ACT DESIGNATING THE HOUSE OF CORRECTION OF STRAFFORD COUNTY AS A JAIL.

SECTION

1. House of correction of Strafford
county designated as a jail.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. All prisoners committed to jail by any court within the county of Strafford shall be committed to the house of correction at the county farm in said county unless the judge sentencing the prisoner shall designate some other jail within the state for such confinement. Said house of correction is hereby designated as a jail for the confinement of prisoners. House of correc-
tion of Strafford
county desig-
nated as a jail.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved May 4, 1923.]

CHAPTER 115.

AN ACT IN RELATION TO THE FORECLOSURE OF POWER OF SALE
MORTGAGES OF REAL ESTATE.

SECTION

1. Mortgages of real estate with power of sale, how may be foreclosed.

SECTION

2. Takes effect on July 1, 1923.

Be it enacted by the Senate and House of Representatives in General Court convened:

Mortgages of real estate with power of sale, how may be foreclosed.

SECTION 1. Amend section 3, chapter 19, Laws of 1899, as amended by section 1, chapter 2, Laws of 1905, by striking out the whole thereof and inserting in place thereof the following: SECT. 3. Instead of such suit and decree of sale, the mortgagee or person having his estate in the premises, or any person authorized by the power of sale, may, upon breach of the condition, give such notices and do all such acts as are authorized or required by the power; but no sale under and by virtue of a power of sale in a mortgage of real estate shall be valid and effectual to foreclose such mortgage, unless, previous to such sale, notice thereof has been published once a week for three successive weeks in some newspaper, if there is any, published in the city or town where the mortgaged premises or some part thereof is situated, and if no newspaper is published in such city or town, then in some newspaper published in the county in which said property is situated, unless some other newspaper for publication is agreed upon in the mortgage, the first publication of such notice in either case to be not less than twenty-one days before the day of sale; and unless a copy of said notice shall be served on the mortgagor or his representative in interest or sent by registered mail addressed to said mortgagor or his representative in interest at his last known address or to such person and address as may be agreed upon in said mortgage at least twenty-one days before said sale; and unless said sale is held on the premises except where a different place of sale is agreed upon in such mortgage. The provisions of this act shall not apply to the foreclosure of any power of sale mortgage executed before this act takes effect.

Takes effect on July 1, 1923.

SECT. 2. This act shall take effect on July 1, 1923.

[Approved May 4, 1923.]

CHAPTER 116.

AN ACT IN AMENDMENT OF AND ADDITION TO CHAPTER 78, LAWS OF 1897, AS AMENDED BY CHAPTER 30, LAWS OF 1919, RELATING TO THE CREATION OF VOTING DISTRICTS AND ADDITIONAL POLLING PLACES IN CITY WARDS.

SECTION

1. Election officers, etc., residents of additional polling districts, may keep names on check-list of central polling place.
2. Ballots cast at additional polling places to be sent to moderator at the central polling place and by him there counted. Duplicate check-lists and ballots how to be returned and disposed of by town clerk.

SECTION

3. Provisions of act to apply to city where city council accept the same. Voting districts in wards, additional polling places, and election officers to be made by city council.
4. Renumbering of s. 9 of Laws 1919, c. 30.
5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend chapter 78, Laws of 1897, as amended by chapter 30, Laws of 1919, by adding at the end of section 2 the following: Election officers and town officers who are residents of additional polling districts but are on duty at the central polling place may keep their names on central polling place check-list by so arranging with supervisors of check-list.

Election officers, etc., residents of additional polling districts, may keep names on check-list of central polling place.

SECT. 2. Further amend by striking out the whole of section 8, and inserting in place thereof the following: SECT. 8. Upon closing the polls at the additional polling place, the box in which ballots have been there deposited shall be sealed up by the presiding officer in the presence of the inspectors of election without opening the box, and the clerk at such polling place shall so certify. The presiding officer shall also seal up the duplicate check-lists used at such polling place together with the spoiled and unused ballots, and the ballot box containing the ballots voted as aforesaid, and send the same to the moderator of the town at the central polling place by two designated election officers who shall be of different political parties, who shall deliver the same with the seals unbroken, without unnecessary delay at the central polling place. The ballot boxes from the additional polling places shall be opened by the moderator at the central polling place and the ballots there counted, and the result of the ballot of the entire town announced by the moderator as if all the ballots had been cast at the central polling place. The town clerk shall receive the duplicate check-lists and ballots as returned and dispose of the same as provided by existing law.

Ballots cast at additional polling places to be sent to moderator at the central polling place and by him there counted. Duplicate check-lists and ballots how to be returned and disposed of by town clerk.

SECT. 3. Further amend by adding to said act the following section which shall be known as section 9: SECT. 9. The provisions

Provisions of act to apply to city where city council

accept the same. Voting districts in wards, additional polling places, and election officers to be made by city council.

Renumbering of s. 9 of Laws 1919, c. 30.

Takes effect on passage.

of this act shall apply to all elections held in such cities as may by vote of the city council thereof accept the provisions of this act. The creation of voting districts in city wards, the establishment of additional polling places in wards therein, and the selection of the various election officers therefor shall be made by said city council.

SECT. 4. Further amend said act by renumbering section 9 which shall be known as section 10.

SECT. 5. This act shall take effect on its passage.

[Approved May 4, 1923.]

CHAPTER 117.

AN ACT TO REGULATE THE SALE OF GRAIN.

SECTION

1. Vendors of corn or other foods for live stock shall furnish printed statement showing net weight and grade of goods, when grain below certain specified standards.
2. Standard for various grains fixed.
3. Sulphured or bleached oats shall be so marked on bill or invoice.
4. Grain damaged or so treated as to change or destroy its identity shall be so tagged as to furnish full information thereof.

SECTION

5. Grain sold in any quantity to be tagged and invoiced in conformity to this act.
6. Penalty for violation of act.
7. Commissioner of agriculture to prosecute violation of act.
8. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Vendors of corn or other foods for live stock shall furnish printed statement showing net weight and grade of goods, when grain below certain specified standards.

SECTION 1. Every manufacturer, company, or person who shall sell, offer, or expose for sale in this state, any corn, whole, ground, or cracked, oats, rye, barley, wheat or buckwheat, used for feeding live stock or poultry, shall furnish with each car or other amount shipped in bulk, a plainly printed statement showing net weight and grade, as hereafter provided, and shall affix to each bag of grain a plainly printed statement or tag, showing grade of goods and net weight contained therein, and the name and address of the dealer selling same if the grain be below the following standards: Below No. 1 for clipped oats; below No. 2 for natural oats; below No. 2 for rye; below No. 2 for barley; below No. 2 for buckwheat.

Standard for various grains fixed.

SECT. 2. The standard for corn shall be that it may not contain more than seventeen and one-half per cent. moisture, not more than four per cent. of foreign material and cracked corn, not more

than six per cent. of damaged kernels which must not include more than three-tenths of one per cent. of heat damaged kernels. Such corn may grade No. 3 according to United States standard or No. 2, if it loses two per cent. of moisture and contains not over fifteen and one-half per cent.

SECT. 3. If oats have been sulphured, bleached, or otherwise whitened by any artificial process, every bill or invoice for such oats in any quantity whatever, whether sold at wholesale or retail, shall be plainly marked in bold type **SULPHURED** or **BLEACHED**, as the case may be.

Sulphured or bleached oats shall be so marked on bill or invoice.

SECT. 4. If any grain shall have been polished, degerminated, had chit or other part removed, or treated in any manner to conceal, change or destroy its identity, or change its analysis, or have been damaged, each bag shall be tagged with full information as to the quality and kind of such grain, net weight, sort of treatment it has undergone, and description of damage suffered, if any.

Grain damaged or so treated as to change or destroy its identity shall be so tagged as to furnish full information thereof.

SECT. 5. This act shall make it obligatory on every person selling grain in any quantity whatever, whether at wholesale or retail, to tag such grain and make invoices in conformity with the provisions of this act.

Grain sold in any quantity to be tagged and invoiced in conformity to this act.

SECT. 6. Any manufacturer, company, or person who shall sell, offer, or expose for sale or distribution in this state any of the grain herein mentioned without complying with the requirements of this act, shall, on conviction in a court of competent jurisdiction, be fined not more than one hundred dollars for the first offense, and not more than two hundred dollars for each subsequent offense.

Penalty for violation of act.

SECT. 7. Whenever the commissioner of agriculture becomes cognizant of the violation of any of the provisions of the act, he shall prosecute the party or parties thus reported.

Commissioner of agriculture to prosecute violation of act.

SECT. 8. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 118.

AN ACT TO CONTROL THE POSSESSION, SALE, AND USE OF PISTOLS
AND REVOLVERS.

SECTION

1. Definition of pistol or revolver.
2. Commission of crime by one armed with pistol and unlicensed, how punished.
3. What persons forbidden to carry pistols or revolvers; penalty for violation.
4. Carrying concealed weapon without license; penalty for violation.
5. Persons exempt from application of preceding section.
6. License to carry loaded weapon, to whom and by whom to be granted.
7. Sales, etc., of weapons to minors, how punished; exemption.
8. Sale, etc., to unnaturalized foreign-born persons, etc., or to a felon, prohibited except upon permit.

SECTION

9. Selling, etc., of weapons without license, how punished.
10. Licenses to sell, how granted; record of sales to be kept.
11. Purchasing weapon by false information or evidence, how punished.
12. Removing maker's name from weapon, or other mark of identification, how punished.
13. Existing licenses to expire July 31, 1923.
14. Antique weapons not included in act.
15. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Definition of
pistol or revolver.

SECTION 1. Pistol or revolver, as used in this act shall be construed as meaning any firearm with a barrel less than twelve inches in length.

Commission of
crime by one
armed with pistol
and unlicensed,
how punished.

SECT. 2. If any person shall commit or attempt to commit a crime when armed with a pistol or revolver, and having no permit to carry the same, he shall in addition to the punishment provided for the crime, be punished by imprisonment for not more than five years.

What persons
forbidden to carry
pistols or revolvers;
penalty for
violation.

SECT. 3. No unnaturalized foreign-born person and no person who has been convicted of a felony against the person or property of another shall own or have in his possession or under his control a pistol or revolver, except as hereinafter provided. Violations of this section shall be punished by imprisonment for not more than two years and upon conviction the pistol or revolver shall be confiscated and destroyed.

Carrying concealed
weapon
without license;
penalty for violation.

SECT. 4. No person shall carry a pistol or revolver concealed in any vehicle or upon his person, except in his dwelling house or place of business, without a license therefor as hereinafter provided. Violations of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment not exceeding one year or by both fine and imprisonment.

Persons exempt
from application
of preceding
section.

SECT. 5. The provisions of the preceding sections shall not apply to marshals, sheriffs, policemen, or other duly appointed peace and other law enforcement officers, nor to the regular and ordinary trans-

portation of pistols or revolvers as merchandise, nor to members of the army, navy, or marine corps of the United States, nor to the national guard when on duty, nor to organizations by law authorized to purchase or receive such weapons, nor to duly authorized military or civil organizations when parading, or the members thereof when at or going to or from their customary places of assembly.

SECT. 6. The selectmen of towns or the mayor or chief of police of cities may, upon application of any person issue a license to such person to carry a loaded pistol or revolver in this state, for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property or for any other proper purpose, and that he is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original thereof shall be delivered to the licensee, the duplicate shall be preserved by the selectmen of towns and the chief of police of the cities wherein issued for a period of one year.

License to carry loaded weapon, to whom and by whom to be granted.

SECT. 7. Any person or persons who shall sell, barter, hire, lend or give to any minor under the age of twenty-one years any pistol or revolver shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined not more than one hundred dollars or be imprisoned not more than three months, or both. This section shall not apply to fathers, mothers, guardians, administrators, or executors who give to their children, wards, or heirs to an estate, a revolver.

Sales, etc., of weapons to minors, how punished; exemption.

SECT. 8. No person shall sell, deliver, or otherwise transfer a pistol or revolver to a person who is an unnaturalized foreign-born person or has been convicted of a felony against the person or property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery be made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, and nationality, the date of sale, the caliber, make, model, and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Violations of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

Sale, etc., to unnaturalized foreign-born persons, etc., or to a felon, prohibited except upon permit.

SECT. 9. Whoever, without being licensed as hereinafter provided, sells, advertises, or exposes for sale, or has in his possession

Selling, etc., of weapons without license, how punished.

with intent to sell, pistols or revolvers, shall be punished by imprisonment for not more than two years.

Licenses to sell,
how granted;
record of sales
to be kept.

SECT. 10. The selectmen of towns and the chief of police of cities may grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered (a) to a purchaser not personally known to the seller or who does not present clear evidence of his identity; nor (b) to an unnaturalized foreign-born person or a person who has been convicted of a felony and has no permit as required by section 8 of this act.

A true record, in duplicate, shall be made of every pistol or revolver sold, said record to be made in a book kept for the purpose, the form of which shall be prescribed by the secretary of state and shall be signed by the purchaser and by the person effecting the sale, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, and nationality of the purchaser. One copy of said record shall, within seven days, be forwarded to the selectmen of the town or the chief of police of the city and the other copy retained for one year.

Purchasing
weapon by false
information or
evidence, how
punished.

SECT. 11. If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall be punished by imprisonment for not more than two years.

Removing maker's
name from
weapon, or other
mark of identi-
fication, how
punished.

SECT. 12. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Violations of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or both.

Existing licenses
to expire July 31,
1923.

SECT. 13. All licenses heretofore issued within the state permitting the carrying of pistols or revolvers upon the person shall expire at midnight of July 31, 1923.

Antique weapons
not included in
act.

SECT. 14. This act shall not apply to antique pistols or revolvers incapable of use as such.

SECT. 15. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage. Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 119.

AN ACT TO PROHIBIT THE SALE AND MANUFACTURE OF INFLAMMABLE STOVE POLISHES.

SECTION

1. Manufacture or sale of certain inflammable stove polishes forbidden.

SECTION

2. Penalty for violation.
3. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. It shall be unlawful to manufacture for sale, keep for sale, or sell for domestic use, any articles or compounds designed or intended as stove polish, which flash at a temperature below one hundred and twenty degrees Fahrenheit, open cup test. The selling or having for sale of such compounds by retail stores shall be deemed as presumptive evidence of their being intended for domestic use. Manufacture or sale of certain inflammable stove polishes forbidden.

SECT. 2. Any violation of this act shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment not exceeding six months or both. Penalty for violation.

SECT. 3. So much of chapter 101, Laws of 1921, as is inconsistent herewith and all other acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect upon its passage. Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 120.

AN ACT IN AMENDMENT OF CHAPTER 177 OF THE LAWS OF 1917, ENTITLED "AN ACT TO MORE EFFECTIVELY RESTRAIN AGREEMENTS TO REGULATE AND FIX PRICES OF COMMODITIES IN THIS STATE AND TO RESTRAIN COMBINATIONS AND MONOPOLIES IN COMMODITIES AND PROVIDE PENALTIES THEREFOR."

SECTION

1. Illegal trusts limited and defined.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Illegal trusts
limited and de-
fined.

SECTION 1. Amend chapter 177 of the Laws of 1917 by renumbering sections 8 and 9 to read sections 9 and 10 and by inserting a new section to read as follows: SECT. 8. No organization enumerated in section 7, or the members thereof, if they have a capital stock, shall be held or considered to be an illegal trust or conspiracy against trade, under this act, if they are operating in conformity with chapter 57 of the Laws of the Second Session of the Sixty-Seventh Congress, entitled, "An Act to authorize association of producers of agricultural products."

Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 121.

AN ACT CONCERNING THE GRANTING OF PERMITS FOR THE SOLICITING OF FUNDS FOR CHARITABLE PURPOSES AND FOR THE SALE OF TAGS, FLOWERS OR OTHER OBJECTS FOR CHARITABLE PURPOSES.

SECTION

1. Power to grant permits for soliciting funds for charitable objects conferred upon commission of charity.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Power to grant
permits for
soliciting funds
for charitable

SECTION 1. The right to grant permits for the soliciting of funds for charitable purposes and for the sale of tags, flowers or other objects for charitable purposes is hereby vested in that official

of a city or town who has charge of the public charity funds of said city or town, namely, the commission of charity, the overseer of the poor, or whatever the legal title may be.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 122.

AN ACT TO MAKE UNIFORM THE LAW RELATING TO THE SALE OF GOODS AND TO BE KNOWN AS THE UNIFORM SALES ACT.

SECTION

1. Definitions.
2. Capacity to buy and sell; infant's liability for necessities.
3. Contracts, when may be verbal or written.
4. Contract or sale of goods of value of \$500 to be in writing.
5. "Goods" to include either existing goods or goods to be manufactured or bought by the seller; contingent contract to sell; sale of "future goods."
6. Sale of undivided share of goods; fungible goods.
7. Sale of specific goods; parties purporting to sell goods which have perished before agreement made.
8. Sale of specific goods which afterwards perish before risk passes to the buyer.
9. Price, how may be determined.
10. Price fixed by third person.
11. Conditions; breach of; waiver; non-performance of condition when a breach of warranty.
12. Warranty.
13. Implied warranty.
14. Implied warranty; on sale of goods by description.
15. Implied warranty of fitness.
16. Implied warranty; sale by sample.
17. When property passes; unascertained goods.
18. When property passes; specific or ascertained goods.
19. When property passes; rules for ascertainment of intention.
20. Vendor's reservation of right of possession or of property; bill of lading.
21. Sale by auction.
22. Seller's risk; buyer's risk.

SECTION

23. Sale of goods by person not owner thereof or agent of owner.
24. Voidable title of seller; title of buyer.
25. Title of *bona fide* purchaser without notice of previous sale.
26. Retention of possession by vendor; rights of his creditors.
27. Negotiable document of title.
28. Negotiable document of title, how negotiated.
29. Negotiable document of title, how negotiated. (continued).
30. Effect of words "not negotiable" "non-negotiable."
31. Document of title, transfer of by delivery; non-negotiable documents.
32. Negotiable document of title, by whom may be negotiated.
33. Negotiable document of title; title of person to whom same has been duly negotiated.
34. Transfer without negotiation; title of transferee.
35. Right of transferee to compel indorsement.
36. Warranty by person negotiating or transferring document of title.
37. Indorsement of document of title.
38. Title of *bona fide* holder for value of negotiable document of title is not impaired by breach of duty, fraud, etc.
39. Rights of bailee.
40. Remedies of creditor whose debtor is owner of negotiable document of title.
41. Duty of seller; of buyer.
42. Delivery and payment; concurrent conditions.
43. Delivery, place and mode of; demand or tender of delivery.

SECTION

44. Partial delivery, rescission; liability for goods retained by buyer; delivery of goods in excess of contract; goods mixed with goods not contracted for.
45. Delivery by installments.
46. Delivery to carrier.
47. Delivery to buyer; opportunity for examination.
48. Acceptance of goods.
49. Acceptance of goods, effect of, upon liability for breach of promise or warranty.
50. Refusal to accept; notice thereof to seller.
51. Delivery to buyer; request to take delivery and refusal to comply therewith.
52. Lien of unpaid seller; unpaid seller defined.
53. Lien of unpaid seller (continued); stoppage *in transitu*; resale; rescission; withholding delivery.
54. Lien of unpaid seller (continued).
55. Lien on remainder, where part delivery made.
56. Lien of unpaid seller, how lost.
57. Stoppage *in transitu*.
58. "Goods in transit" defined.
59. Stoppage *in transitu*, right how exercised.
60. Resale by seller.
61. Rescission by seller.
62. Rights of lien and stoppage *in transitu* not affected by sale of goods by buyer; issue of negotiable document of title.

SECTION

63. Seller's action for breach of contract, when property has passed.
64. Seller's action for breach of contract, where buyer refuses to accept and pay.
65. Rescission by seller on buyer's breach of contract before delivery.
66. Remedies of buyer where title has passed.
67. Remedies of buyer where title has not passed.
68. Buyer's remedy of specific performance against seller.
69. Breach of warranty; remedies at election of buyer.
70. Interest and special damages, recovery of; failure of consideration.
71. Implied contract; when may be varied by express agreement, course of dealing or custom.
72. Remedy for violation of act.
73. Rules applicable to cases not provided for in act.
74. Interpretation to be such as will make law uniform.
75. Act not applicable to contracts intended to operate as mortgage, etc.
76. Definition of terms used in act.
77. Repealing clause.
78. Takes effect on passage.
79. Act may be cited as the Sales Act.

Be it enacted by the Senate and House of Representatives in General Court convened:

PART I.

FORMATION OF THE CONTRACT.

Definitions.

SECTION 1. (1) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price.

(2) A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price.

(3) A contract to sell or a sale may be absolute or conditional.

(4) There may be a contract to sell or a sale between one part owner and another.

Capacity to buy and sell; infant's liability for necessities.

SECT. 2. Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Where necessities are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section mean goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

FORMALITIES OF THE CONTRACT.

SECT. 3. Subject to the provisions of this act and of any other statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties. Contracts, when may be verbal or written.

SECT. 4. (1) A contract to sell or a sale of any goods or choses in action of the value of five hundred dollars or upward shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf. Contract or sale of goods of value of \$500 to be in writing.

(2) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

(3) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

SUBJECT MATTER OF CONTRACT.

SECT. 5. (1) The goods which form the subject of a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called "future goods." "Goods" to include either existing goods or goods to be manufactured or bought by the seller; contingent contract to sell; sale of "future goods."

(2) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

Sale of undivided
share of goods;
fungible goods.

SECT. 6. (1) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

(2) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears.

Sale of specific
goods; parties
purporting to sell
goods which have
perished before
agreement made.

SECT. 7. (1) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void.

(2) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale—

(a) As avoided, or

(b) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the sale was indivisible or to pay the agreed price for the goods in which the property passes if the sale was divisible.

Sale of specific
goods which
afterwards perish
before risk
passes to the
buyer.

SECT. 8. (1) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

(2) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract—

(a) As avoided, or

(b) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

THE PRICE.

SECT. 9. (1) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties. Price, how may be determined.

(2) The price may be made payable in any personal property.

(3) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply.

(4) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

SECT. 10. (1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person, without fault of the seller or the buyer, can not or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor. Price fixed by third person.

(2) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by parts four and five of this act.

CONDITIONS AND WARRANTIES.

SECT. 11. (1) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first-mentioned party may also treat the nonperformance of the condition as a breach of warranty. Conditions; breach of; waiver; non-performance of condition when a breach of warranty.

(2) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligation to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.

SECT. 12. Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty. Warranty.

Implied warranty.

SECT. 13. In a contract to sell or a sale, unless a contrary intention appears, there is:

(1) An implied warranty on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of a contract to sell he will have a right to sell the goods at the time when the property is to pass.

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale.

(3) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract or sale is made.

(4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee, or other person professing to sell by virtue of authority in fact or law goods in which a third person has a legal or equitable interest.

Implied warranty; on sale of goods by description.

SECT. 14. Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

Implied warranty of fitness.

SECT. 15. Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows:

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

(2) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality.

(3) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed.

(4) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(5) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(6) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

SALE BY SAMPLE.

SECT. 16. In the case of a contract to sell or a sale by sample: Implied warranty; sale by sample.

(1) There is an implied warranty that the bulk shall correspond with the sample in quality.

(2) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 47 (3).

(3) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

PART II.

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER.

SECT. 17. Where there is a contract to sell unascertained goods When property passes; unascertained goods. no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section 6.

SECT. 18. (1) Where there is a contract to sell specific or When property passes; specific or ascertained goods. ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade, and the circumstances of the case.

SECT. 19. Unless a different intention appears, the following When property passes; rules for ascertainment of intention. are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer:

Rule 1. Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done.

Rule 3. (1) When goods are delivered to the buyer "on sale or return," or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or if no time has been fixed, within a reasonable time.

(2) When goods are delivered to the buyer on approval or on

trial or on satisfaction, or other similar terms, the property therein passes to the buyer :

(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction.

(b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 4. (1) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.

(2) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 20. This presumption is applicable, although by the terms of the contract, the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words "collect on delivery" or their equivalents.

Rule 5. If a contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon.

Vendor's reservation of right of possession or of property; bill of lading.

SECT. 20. (1) Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved notwithstanding the delivery of the goods to the buyer, or to a carrier or other bailee for the purpose of transmission to the buyer.

(2) Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

(4) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is endorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored: *provided*, that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

SECT. 21. In the case of a sale by auction:

Sale by auction.

(1) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

(2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made any bidder may retract his bid; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

(3) A right to bid may be reserved expressly by or on behalf of the seller.

(4) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

SECT. 22. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not, except that:

Seller's risk;
buyer's risk.

(1) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the con-

tract, the goods are at the buyer's risk from the time of such delivery.

(2) Where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

TRANSFER OF TITLE.

Sale of goods by person not owner thereof or agent of owner.

SECT. 23. (1) Subject to the provisions of this act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2) Nothing in this act, however, shall affect:

(a) The provisions of any factors' acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

Voidable title of seller; title of buyer.

SECT. 24. Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, *provided* he buys them in good faith, for value, and without notice of the seller's defect of title.

Title of *bona fide* purchaser without notice of previous sale.

SECT. 25. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

Retention of possession by vendor; rights of his creditors.

SECT. 26. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.

Negotiable document of title.

SECT. 27. A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document is a negotiable document of title.

Negotiable document of title, how negotiated.

SECT. 28. A negotiable document of title may be negotiated by delivery:

(1) Where by the terms of the document the carrier, warehouseman, or other bailee issuing the same undertakes to deliver the goods to the bearer; or

(2) Where by the terms of the document the carrier, warehouseman, or other bailee issuing the same undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to bearer.

Where by the terms of a negotiable document of title the goods are deliverable to bearer or where a negotiable document of title has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the document shall thereafter be negotiated only by the indorsement of such indorsee.

SECT. 29. A negotiable document of title may be negotiated by the indorsement of the person to whose order the goods are by the terms of the document deliverable. Such indorsement may be in blank to bearer, or to a specified person. If indorsed to a specified person it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

Negotiable document of title, how negotiated, (continued.)

SECT. 30. If a document of title which contains an undertaking by a carrier, warehouseman, or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "not negotiable," "non-negotiable" or the like, such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this act. But nothing in this act contained shall be construed as limiting, or defining the effect upon the obligations of the carrier, warehouseman, or other bailee issuing a document of title of placing thereon the words "not negotiable" "non-negotiable," or the like.

Effect of words "not negotiable" "non-negotiable,"

SECT. 31. A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable document cannot be negotiated and the indorsement of such a document gives the transferee no additional right.

Document of title, transfer of by delivery; non-negotiable documents.

SECT. 32. A negotiable document of title may be negotiated:

Negotiable document of title, by whom may be negotiated.

(1) By the owner thereof; or

(2) By any person to whom the possession or custody of the document has been entrusted by the owner, if, by the terms of the document the bailee issuing the document undertakes to deliver the goods to the order of the person to whom the possession or custody of the document has been entrusted, or if at the time of such entrusting the document is in such form that it may be negotiated by delivery.

SECT. 33. A person to whom a negotiable document of title has been duly negotiated acquires thereby:

Negotiable document of title, title of person to whom same has been duly negotiated.

(1) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good

faith for value, and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value; and

(2) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

Transfer without
negotiation; title
of transferee.

SECT. 34. A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

If the document is non-negotiable such person also acquires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferor or transferee of a non-negotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to such bailee by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Right of trans-
feree to compel
indorsement.

SECT. 35. Where a negotiable document of title is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Warranty by per-
son negotiating
or transferring
document of title.

SECT. 36. A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

- (1) That the document is genuine;
- (2) That he has a legal right to negotiate or transfer it;
- (3) That he has knowledge of no fact which would impair the validity or worth of the document; and
- (4) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

Indorsement of
document of title.

SECT. 37. The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations.

SECT. 38. The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was induced by fraud, mistake, or duress to entrust the possession or custody thereof to such person, if the person to whom the document was negotiated or a person to whom the document was subsequently negotiated paid value therefor, without notice of the breach of duty, or fraud, mistake, or duress.

Title of *bona fide* holder for value of negotiable document of title is not impaired by breach of duty, fraud, etc.

SECT. 39. If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they cannot thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied upon under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

Rights of bailee.

SECT. 40. A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which can not readily be attached or levied upon by ordinary legal process.

Remedies of creditor whose debtor is owner of negotiable document of title.

PART III.

PERFORMANCE OF THE CONTRACT.

SECT. 41. It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

Duty of seller; of buyer.

SECT. 42. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

Delivery and payment; concurrent conditions.

SECT. 43. (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer, is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business, if he have one, and if not his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was

Delivery, place and mode of; demand or tender of delivery.

made were in some other place, then that place is the place of delivery.

(2) Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

Partial delivery,
rescission; liabil-
ity for goods re-
tained by buyer;
delivery of goods
in excess of con-
tract; goods
mixed with goods
not contracted
for.

SECT. 44. (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

Delivery by in-
stallments.

SECT. 45. (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by installments.

(2) Where there is a contract to sell goods to be delivered by stated installments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more installments, or the buyer neglects or refuses to take delivery of or pay

for one or more installments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation, but not to a right to treat the whole contract as broken.

SECT. 46. (1) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is deemed to be a delivery of the goods to the buyer, except in the cases provided for in section 19, rule 5, or unless a contrary intent appears.

(2) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

SECT. 47. (1) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

(3) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with the words "collect on delivery," or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.

SECT. 48. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or

when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

Acceptance of goods, effect of, upon liability for breach of promise or warranty.

SECT. 49. In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But, if, after acceptance of the goods, the buyer fails to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know of such breach, the seller shall not be liable therefor.

Refusal to accept; notice thereof to seller.

SECT. 50. Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

Delivery to buyer; request to take delivery and refusal to comply therewith.

SECT. 51. When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the rights against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

PART IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

Lien of unpaid seller; unpaid seller defined.

SECT. 52. (1) The seller of goods is deemed to be an unpaid seller within the meaning of this act:

(a) When the whole of the price has not been paid or tendered.

(b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

(2) In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been endorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

Lien of unpaid seller (continued); stoppage in transitu; resale; rescission; withholding delivery.

SECT. 53. (1) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has:

(a) A lien on the goods or right to retain them for the price while he is in possession of them.

(b) In case of the insolvency of the buyer, a right of stopping

the goods in transitu after he has parted with the possession of them.

(c) A right of resale as limited by this act.

(d) A right to rescind the sale as limited by this act.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien and stoppage "in transitu" where the property has passed to the buyer.

UNPAID SELLER'S LIEN.

SECT. 54. (1) Subject to the provisions of this act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:

(a) Where the goods have been sold without any stipulation as to credit.

(b) Where the goods have been sold on credit, but the term of credit has expired.

(c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

SECT. 55. Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

SECT. 56. (1) The unpaid seller of goods loses his lien thereon:

(a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof.

(b) When the buyer or his agent lawfully obtains possession of the goods.

(c) By waiver thereof.

(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

STOPPAGE IN TRANSITU.

SECT. 57. Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods at any time while they are in transit, and he will then become en-

titled to the same rights in regard to the goods as he would have had if he had never parted with the possession.

"Goods in transit" defined.

SECT. 58. (1) Goods are in transit within the meaning of section 57:

(a) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee;

(b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

(2) Goods are no longer in transit within the meaning of section 57:

(a) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination;

(b) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent, that he holds the goods on his behalf and continues in possession of them as bailee for the buyer, or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer;

(c) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer, or his agent in that behalf.

(3) If goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier, or as agent of the buyer.

(4) If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

Stoppage in transitu, right how exercised.

SECT. 59. (1) The unpaid seller may exercise his right of stoppage in transitu either by obtaining actual possession of the goods, or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

(2) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the directions of, the seller. The expenses of such redelivery must be borne by the seller. If, however, a negotiable document of title representing

the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation.

RESALE BY THE SELLER.

SECT. 60. (1) Where the goods are of a perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale. Resale by seller.

(2) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

(3) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made.

(4) It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

(5) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

RESCISSION BY THE SELLER.

SECT. 61. (1) An unpaid seller having a right of lien or having stopped the goods in transitu, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale. Rescission by seller.

(2) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not neces-

sary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the right of rescission was asserted.

Rights of lien and stoppage *in transitu* not affected by sale of goods by buyer; issue of negotiable document of title.

SECT. 62. Subject to the provisions of this act, the unpaid seller's right of lien or stoppage *in transitu* is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage *in transitu* shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier or other bailee who issued such document, of the seller's claim to a lien or right of stoppage *in transitu*.

PART V.

ACTIONS FOR BREACH OF THE CONTRACT.

Remedies of the Seller.

Seller's action for breach of contract, when property has passed.

SECT. 63. (1) Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

(2) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3) Although the property in the goods has not passed, if they can not readily be resold for a reasonable price, and if the provisions of section 64 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

Seller's action for breach of contract, where buyer refuses to accept and pay.

SECT. 64. (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

SECT. 65. Where the goods have not been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

Rescission by seller on buyer's breach of contract before delivery.

Remedies of the Buyer.

SECT. 66. Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of similar kind when wrongfully converted or withheld.

Remedies of buyer where title has passed.

SECT. 67. (1) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for nondelivery.

Remedies of buyer where title has not passed.

(2) The measure of damages is the loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

Buyer's remedy
of specific per-
formance against
seller.

SECT. 68. Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price and otherwise, as to the court may seem just.

Breach of war-
ranty; remedies
at election of
buyer.

SECT. 69. (1) Where there is a breach of warranty by the seller, the buyer may, at his election:

(a) Accept or keep the goods and set up against the seller, the breach of warranty by way of recoupment in diminution or extinction of the price;

(b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty;

(c) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty;

(d) Rescind the contract to sell or the sale and refuse to receive the goods, or if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

(2) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

(3) Where the goods have been delivered to the buyer, he can not rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

(4) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

(5) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the re-

payment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by section 53.

(6) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(7) In the case of breach of warranty of quality, such loss, in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

SECT. 70. Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

Interest and special damages, recovery of; failure of consideration.

PART VI.

INTERPRETATION.

SECT. 71. Where any right, duty, or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

Implied contract; when may be varied by express agreement, course of dealing or custom.

SECT. 72. Where any right, duty or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action.

Remedy for violation of act.

SECT. 73. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

Rules applicable to cases not provided for in act.

SECT. 74. This act shall be so interpreted and construed, if possible, as to effectuate its general purpose to make uniform the law of those states which enact it.

Interpretation to be such as will make law uniform.

SECT. 75. The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, or other security.

Act not applicable to contracts intended to operate as mortgage, etc.

SECT. 76. (1) In this act, unless the context or subject matter otherwise requires:

Definition of terms used in act.

“Action” includes counterclaim, set-off and suit in equity.

“Buyer” means a person who buys or agrees to buy goods or any legal successor in interest of such person.

“Defendant” includes a plaintiff against whom a right of set-off or counterclaim is asserted.

“Delivery” means voluntary transfer of possession from one person to another.

“Divisible contract to sell or sale” means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

“Document of title to goods” includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by indorsement or by delivery, goods represented by such document.

“Fault” means wrongful act or default.

“Fungible goods” mean goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit.

“Future goods” mean goods to be manufactured or acquired by the seller after the making of the contract of sale.

“Goods” include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

“Order” in sections of this act relating to documents of title means an order by indorsement on the document.

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

“Plaintiff” includes defendant asserting a right of set-off or counterclaim.

“Property” means the general property in goods, and not merely a special property.

“Purchaser” includes mortgagee and pledgee.

“Purchases” includes taking as a mortgagee or as a pledgee.

“Quality of goods” includes their state or condition.

“Sale” includes a bargain and sale as well as a sale and delivery.

“Seller” means a person who sells or agrees to sell goods or any legal successor in interest of such person.

“Specific goods” means goods identified and agreed upon at the time a contract to sell or a sale is made.

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, constitutes value where goods or documents of title are taken either in satisfaction thereof or as security therefor.

(2) A thing is done “in good faith” within the meaning of this

act when it is in fact done honestly, whether it be done negligently or not.

(3) A person is insolvent within the meaning of this act who either has ceased to pay his debts in the ordinary course of business or can not pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

(4) Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

SECT. 77. Section 3 of chapter 215 of the Public Statutes and all acts or parts of acts inconsistent with this act are hereby repealed. Repealing clause.

SECT. 78. This act shall take effect on its passage.

Takes effect on passage.

SECT. 79. This act may be cited as the Sales Act.

Act may be cited as the Sales Act.

[Approved May 4, 1923.]

CHAPTER 123.

AN ACT TO PROVIDE ADDITIONAL ACCOMMODATIONS AT THE NEW HAMPSHIRE STATE HOSPITAL.

SECTION

1. Appropriation of \$400,000 for erection of building for additional accommodations for disturbed and excited female patients.
2. Governor authorized to draw on any money not otherwise appropriated and state treasurer authorized to borrow on bonds, etc., sufficient money, not exceeding in all \$400,000 to carry out provisions of act.

SECTION

3. Governor to draw warrant for amounts due on contracts.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That, to provide additional accommodations for the care, control and treatment of insane persons and especially for disturbed and excited female patients, the sum of four hundred thousand dollars be and hereby is raised and appropriated for the purpose of the erection of a building for disturbed and excited female patients and securing therefor the necessary furnishings, heating, lighting, plumbing, water facilities and fire protection, in

Appropriation of \$400,000 for erection of building for additional accommodations for disturbed and excited female patients.

accordance with plans and specifications to be approved by the governor and council; said sum to be expended under the direction of the trustees of said institution, subject to the supervision of the governor and council, and any balance of said sum of four hundred thousand dollars or the proceeds of the bonds hereinafter provided for not required for the purposes above specified may be used for any other necessary addition to or change of existing buildings of said hospital which may be approved by the governor and council and to be in accordance with plans and specifications also to be approved by the governor and council.

Governor authorized to draw on any money not otherwise appropriated and state treasurer authorized to borrow on bonds, etc., sufficient money, not exceeding in all \$400,000 to carry out provisions of act.

SECT. 2. The governor, with the advice and consent of the council, is hereby authorized to draw his warrant on any money in the treasury not otherwise appropriated, and the state treasurer is hereby authorized under the direction of the governor and council, to borrow, upon the credit of the state, such further sums or the whole (not exceeding in all four hundred thousand dollars), as may be necessary, to carry out the provisions of this act, and, for that purpose, may issue bonds or notes in the name and on behalf of the state, at the lowest rate of interest obtainable, in such form and in such denominations, and at such time or times as the governor and council may determine. Such bonds shall be designated New Hampshire State Hospital Bonds and shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep an account of all such bonds and notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the time when payable, and the date of delivery to the state treasurer. The treasurer shall keep an account of each bond and note, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the time when payable. The treasurer may negotiate and sell such bonds or notes by direction of the governor and council, in such manner as they may determine to be most advantageous to the state, but no bonds shall be sold for less than their par value.

Governor to draw warrant for amounts due on contracts.

SECT. 3. The governor shall draw his warrant on the state treasurer for the amounts that may be or become due from time to time under the contracts of the trustees approved by the governor and council for the purposes aforesaid.

Takes effect on passage.

SECT. 4. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 124.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE OF
NEW HAMPSHIRE FOR THE YEAR ENDING JUNE 30, 1924.

SECTION

1. Appropriations for fiscal year ending June 30, 1924.

SECTION

2. Takes effect July 1, 1923.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the state for the purposes specified for the fiscal year ending June 30, 1924, to wit:

For the executive department, \$42,900 as follows: For salary of governor, \$3,000; for salary of governor's secretary, \$1,500; for traveling expenses of governor's secretary, \$300; for salary of stenographer, \$1,000; for traveling expenses of stenographer, \$300; for council per diem and expenses, \$4,000; for incidentals, \$250; for printing, \$350; for transportation, \$700; for contingent fund, \$1,500; for emergency fund for protection of interests of the state, \$30,000.

For the secretary of state department, \$20,350 as follows: For salary of the secretary, \$3,500; for salary of deputy, \$2,300; for clerical expense, \$2,700; for corporation laws, \$1,200; for incidentals, \$500; for printing blanks, \$350; for printing report, \$800; for express, \$400; for postage, \$400; for indexing province records, \$1,200; for copying ancient records, \$6,000; for presidential primary, \$1,000.

For the treasury department, \$17,700 as follows: For salary of the treasurer, \$4,000; for salary of deputy, \$2,300; for clerical expense, \$7,000; for incidentals, \$1,700; for printing blanks, \$600; for printing report, \$850; for steel filing cases for vault, \$1,250.

For the insurance department, \$18,200 as follows: For salary of the commissioner, \$2,250; for salary of deputy commissioner, \$1,500; for clerical expense, \$3,250; for incidentals, \$2,500; for printing blanks, \$2,000; for printing report, \$2,500; for enforcement of blue sky law—for salary of the commissioner, \$500; for salary of examiner, \$1,200; for miscellaneous, \$2,500.

For the bank commission department, \$20,400 as follows: For salaries of commissioners, \$9,000; for clerical expense, \$2,600; for incidentals, \$600; for expenses of commissioners, \$3,000; for printing blanks, \$700; for printing report, \$2,500; for salary of examiner, \$2,000.

For the public service commission department, \$41,400 as follows: For salaries of the commissioners, \$10,700; for experts, clerks and assistants, \$17,000; for expenses of the commissioners, \$700; for

Appropriations for
fiscal year ending
June 30,
1924.

incidentals and printing, \$7,000; for lights and buoys on inland waters and boat inspection, \$6,000.

For the tax commission department, \$22,000 as follows: For the salaries of the commissioners, \$8,000; for the expenses of the commissioners, \$2,300; for clerical expense, \$1,600; for incidentals and printing, \$7,000; for printing report, \$1,400; for municipal accounting, \$1,700.

For the purchasing agent's department, \$12,050 as follows: For salary of agent and clerical expense, \$10,200; for expenses of the purchasing agent, \$350; for incidentals, \$1,500.

For the attorney-general's department, \$33,750 as follows: For salary of the attorney-general, \$3,500; for salary of the assistant attorney-general, \$3,500; for traveling expenses, \$1,500; for clerical expense for the attorney-general, \$3,000; for clerical expense for the assistant attorney-general on account of the administration of the inheritance tax law (to include a third accountant at a salary not exceeding \$1,400) \$7,850; for incidentals, \$1,000; for supplies, \$900; for printing blanks, \$1,000; for copies of wills and records, \$8,000; for legacy tax and other litigation, investigations and appraisals, \$3,500.

For the enforcement prohibitory law department, \$14,850 as follows: For salary of the commissioner, \$2,750; for salary of state liquor agent, \$2,200; for expenses of commissioner, \$1,000; for salaries of deputy and agents, \$4,000; for expenses of deputy and agents, \$3,000; for clerical expense, \$1,200; for incidentals, \$500; for printing blanks, \$200.

For the supreme court, \$38,425 as follows: For salaries of the justices, \$30,000; for salary of clerk, \$500; for salary of messenger, \$250; for salary of state reporter, \$1,800; for expenses of justices, \$1,000; for transportation of justices, \$500; for examination of students, \$500; for transportation of state reporter, \$125; for incidentals, \$1,000; for printing docket, \$250; for New Hampshire Law Reports, \$2,500.

For the superior court, \$36,800 as follows: For salaries of the justices, \$30,000; for expenses of justices, \$5,000; for incidentals, \$500; for transportation, \$1,300.

For the probate court, \$11,300 as follows: For salaries of the judges, \$11,300 as follows: For Rockingham county, \$1,200; for Strafford county, \$1,000; for Belknap county, \$800; for Carroll county, \$900; for Merrimack county, \$1,400; for Hillsborough county, \$2,000; for Cheshire county, \$1,000; for Sullivan county, \$800; for Grafton county, \$1,200; for Coos county, \$1,000.

For the legislature, \$15,000 for expenses.

For the state board of education, \$575,000, in which sum is included the literary fund, and in addition to the \$575,000 the sums paid into the state treasury as the forest reserve tax, the per capita tax and the tax on unorganized and other places. Of this

appropriation, the sum of \$40,000 is to be expended for mothers' aid; a sum not to exceed \$38,000 for salaries of officers and employees of the state board; a sum not to exceed \$340,000 for equalized state aid; and the sum of \$15,000 for rental of rooms for students at the normal schools.

The state board of education shall also receive for disbursement the income of the normal school dormitories and practice schools and the sums paid by school districts for the salaries of superintendents under Laws of 1921, chapter 85, part I, section 8 (23).

(In this department any balance which may be unexpended in the fiscal year ending June 30, 1924, shall be available for use in the following year.)

For the board of charities and correction, \$6,850 as follows: For the salary of the secretary, \$2,250; for clerical expenses, \$2,200; for incidentals, \$800; for traveling expenses, \$1,400; for printing blanks, \$200.

For child welfare work, \$7,000.

For aid tuberculosis patients and education for tubercular children, \$40,000.

For register of the blind, \$11,300.

For deaf, dumb and blind, support and education, \$30,000.

For aid crippled and tuberculous children, \$3,000.

John Nesmith fund, \$3,700.

For Granite State Deaf Mute Mission, \$150.

For the bureau of labor, \$7,550 as follows: For salary of the commissioner, \$2,750; for clerical expense, \$1,500; for expense of arbitration, \$1,000; for incidentals and travel, \$2,000; for printing blanks, \$300.

For factory inspection, \$10,850 as follows: For salary of inspectors, \$6,200; for clerical expense, \$1,200; for incidentals and travel, \$3,200; for printing blanks, \$250.

For free employment bureau, \$2,400 as follows: for the salary of assistants, \$750; for clerical expense, \$1,000; for incidentals and travel, \$550; for printing, \$100.

For the department of weights and measures, \$14,250 as follows: For salary of the commissioner, \$2,750; for salary of the inspectors (3), \$5,100; for traveling expenses, \$3,500; for clerical expense, \$1,100; for incidentals, \$1,000; for printing blanks, \$400; for printing report, \$400.

For the department of agriculture, \$140,400 as follows: For the salary of the commissioner, \$2,750; for the salary of the deputy, \$2,400; for clerical expenses, \$2,200; for advisory board, \$300; for incidentals, \$500; for feeding stuffs inspection, \$3,000; for fertilizer inspection, \$2,500; for nursery inspection, \$500; for seed inspection, \$1,000; for insecticides and fungicides, \$500; for resources of state (publication), \$2,500; for milk dealers' licenses, \$500; for diseases of animals, \$100,000; for encouragement of

sheep industry, \$500; for Granite State Dairymen's Association, \$1,000; for apple-grading law, \$250; for New Hampshire Horticultural Society, \$2,500; for bureau of markets, \$5,000; for moth suppression, \$12,500.

For the board of health department, \$27,150 as follows: For salary of secretary, \$3,000; for clerical expense, \$1,500; for incidentals, \$650; for printing blanks, \$500; for epidemic fund, \$2,000; for sanitary inspection, \$5,000; for engineer, \$1,500; for purchase of antitoxin, \$3,500; for venereal work (chapter 216, Laws of 1919), \$6,000; for tuberculosis dispensaries (chapter 152, Laws of 1909), \$3,000; for medico-legal examinations (chapter 119, Laws of 1919), \$500.

For the laboratory of hygiene department, \$16,800 as follows: For salaries of two chemists, \$4,800; for salaries of two bacteriologists, \$2,500; for salary of pathologist, \$2,000; for clerks and assistants, \$2,250; for incidentals, \$2,750; for printing blanks and bulletins, \$2,500.

For the department of vital statistics, \$2,800 as follows: For clerical expense and incidentals, \$2,800.

For the adjutant-general's department, \$73,850 as follows: For salary of the adjutant-general, \$3,000; for clerical expense, \$2,850; for incidentals, \$1,000; for printing blanks, \$500; for officers' uniforms, \$2,000; for rifle ranges, \$2,500; for state armories, \$12,000; for national guards, \$50,000.

For the forestry department, \$71,300 as follows: For the salary of the forester, \$3,000; for field assistants, \$2,200; for clerical expense, \$4,000; for traveling expenses, \$1,500; for incidentals, \$1,800; for printing blanks, \$1,200; for district chiefs, \$7,500; for lookout stations, \$9,900; for conferences, \$1,200; for prevention of fires, \$3,000; for nursery, \$5,500; for state lands, \$5,000; for forest fire bills to towns, \$7,500; for reforestation, \$3,000; for white pine blister rust, \$15,000.

For bounties, \$2,800 as follows: For hedgehogs, \$2,500; for bears and grasshoppers, \$300.

For department of indexing, \$1,850 as follows: For salary, \$1,800; for incidentals, \$50.

For G. A. R. Department, \$3,350 as follows: For printing, \$300; for incidentals, \$50; for burial of soldiers, \$3,000.

For pharmacy commission department, compensation and expenses, \$2,860.

For state dental board, compensation and expenses, \$650.

For registration of veterinary surgeons, compensation and expenses, \$200.

For board of optometry, for compensation and expenses, \$510.

For board of chiropractors, for compensation and expenses, \$400.

For state house department, \$42,160 as follows: Salaries and pay roll, \$14,950; for fuel, \$7,250; for light and power, \$4,900; for

water, \$380; for miscellaneous, \$1,800; for telephone operator and switch board, \$1,880; for extra labor (shoveling), \$1,500; for rent of Patriot building, \$9,500.

For state library, \$17,550 as follows: For salaries, \$7,400; for maintenance, \$5,000; for books, periodicals and bindings, \$5,000; for expenses of trustees, \$150.

For public library commission, \$4,700 as follows: Salary of secretary, \$2,000; for clerical expense, \$500; for incidentals, \$950; for traveling libraries, \$500; for library distribution, \$350; for printing bulletins, \$400.

For N. H. College of Agriculture and Mechanic Arts, \$330,000 for maintenance.

For soldiers' home, \$25,000 for maintenance.

For state hospital, \$475,000 for maintenance.

For state industrial school, \$58,500 for maintenance.

For state prison, \$77,000 for maintenance.

For school for feeble-minded, \$140,000 for maintenance.

For state sanatorium, \$75,000 for maintenance.

For interest charges, \$72,401.48 as follows: For teachers' institute fund, \$2,388.93; for Fiske legacy, \$1,055.14; for Kimball legacy, \$270.14; for agricultural college fund, \$4,800; for Hamilton Smith fund, \$400; for Benjamin Thompson fund, \$31,887.27; for state hospital bonds, \$9,100; for war loan, series 1918, \$22,500.

For maturing bonds, \$85,000 as follows: For state hospital bonds, \$10,000; for state highway bonds, \$75,000.

For military organizations, \$300 as follows: For Amoskeag Veterans, \$100; for Manchester War Veterans, \$100; for Lafayette Artillery Company, \$100.

For firemen's relief fund, \$4,000.

For Prisoners' Aid Association, \$200.

For Old Home Week Association, \$300.

For New Hampshire Historical Society, \$500.

For medical referees, \$50.

The commissioner of motor vehicles, with the approval of the governor and council is hereby authorized to expend for the maintenance of his department a sum not exceeding \$125,000.

SECT. 2. This act shall take effect July 1, 1923.

Takes effect
July 1, 1923.

[Approved May 4, 1923.]

CHAPTER 125.

AN ACT PROVIDING FOR APPROPRIATIONS FOR CERTAIN EXPENSES OF THE
STATE FOR THE YEAR ENDING JUNE 30, 1924.

SECTION

1. Appropriation for certain expenses
of state for year ending June 30,
1924.

SECTION

2. Takes effect June 30, 1923.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Appropriation for
certain expenses
of state for year
ending June 30,
1924.

SECTION 1. There is hereby appropriated for the fiscal year
ending June 30, 1924, the following sums:

For the department of agriculture, for institutes and public
meetings, the sum of \$1,500.

For the probate court, salaries of registers and deputies, the
sum of \$13,500 as follows: Rockingham county, register, \$1,200;
Rockingham county, deputy, \$700; Strafford county, register, \$1,-
200; Belknap county, register, \$800; Carroll county, register, \$800;
Merrimack county, register, \$1,200; Merrimack county, deputy,
\$1,000; Hillsborough county, register, \$1,500; Hillsborough county,
deputy, \$800; Cheshire county, register, \$900; Sullivan county,
register, \$1,200; Grafton county, register, \$1,200; Coos county,
register, \$1,000.

For the highway department the sum of \$35,000, as follows:
For state aid bridge construction, \$30,000; for Piscataqua bridge
maintenance, \$5,000.

Takes effect June
30, 1923.

SECT. 2. This act shall take effect June 30, 1923.

[Approved May 4, 1923.]

CHAPTER 126.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE OF
NEW HAMPSHIRE FOR THE YEAR ENDING JUNE 30, 1925.

SECTION

1. Appropriations for fiscal year end-
ing June 30, 1925.

SECTION

2. Takes effect July 1, 1924.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Appropriations
for fiscal year
ending June 30,
1925.

SECTION 1. The sums hereinafter mentioned are appropriated
to be paid out of the treasury of the state for the purposes specified
for the fiscal year ending June 30, 1925, to wit:

For the executive department, \$44,900 as follows: For salary of governor, \$3,000; for salary of governor's secretary, \$1,500; for salary of stenographer, \$1,000; for traveling expenses of governor's secretary, \$300; for traveling expenses of stenographer, \$300; for council, per diem and expenses, \$6,000; for incidentals, \$250; for printing, \$350; for transportation, \$700; for contingent fund, \$1,500; for emergency fund for protection of interests of the state, \$30,000.

For the secretary of state department, \$27,850 as follows: For salary of the secretary, \$3,500; for salary of deputy, \$2,300; for clerical expense, \$2,700; for corporation laws, \$1,200; for incidentals, \$500; for printing blanks, \$350; for printing report, \$800; for express, \$400; for postage, \$400; for indexing province records, \$1,200; for Australian ballot, \$4,500; for direct primary, \$4,000; for copying ancient records, \$6,000.

For the treasury department, \$16,950 as follows: For salary of the treasurer, \$4,000; for salary of deputy, \$2,300; for clerical expense, \$7,000; for incidentals, \$1,700; for printing blanks, \$600; for printing report, \$850; for treasurer's and deputy's bonds, \$500.

For the insurance department, \$17,850 as follows: For salary of the commissioner, \$2,250; for salary of deputy commissioner, \$1,500; for clerical expense, \$3,400; for incidentals, \$2,500; for printing blanks, \$2,000; for printing report, \$2,500; for enforcement of blue sky law—for salary of the commissioner, \$500; for salary of examiner, \$1,200; for miscellaneous, \$2,000.

For the bank commission department, \$20,400 as follows: For salaries of commissioners, \$9,000; for clerical expense, \$2,600; for incidentals, \$600; for expenses of commissioners, \$3,000; for printing blanks, \$700; for printing report, \$2,500; for salary of examiner, \$2,000.

For the public service commission department, \$41,400 as follows: For salaries of the commissioners, \$10,700; for experts, clerks and assistants, \$17,000; for expenses of the commissioners, \$700; for incidentals and printing, \$7,000; for lights and buoys on inland waters and boat inspection, \$6,000.

For the tax commission department, \$22,000 as follows: For the salaries of the commissioners, \$8,000; for the expenses of the commissioners, \$2,300; for clerical expenses, \$1,600; for incidentals and printing, \$7,000; for printing report, \$1,400; for municipal accounting, \$1,700.

For the purchasing agent's department, \$12,250 as follows: For salary of agent and clerical expense, \$10,300; for expenses of the purchasing agent, \$350; for incidentals, \$1,500; for printing report, \$100.

For the attorney-general's department, \$34,700 as follows: For salary of the attorney-general, \$3,500; for salary of the assistant

attorney-general, \$3,500; for traveling expenses, \$1,500; for clerical expense of the attorney-general, \$3,000; for clerical expense for the assistant attorney-general on account of the administration of the inheritance tax law (to include a third accountant at a salary not exceeding \$1,400), \$8,100; for incidentals, \$1,000; for supplies, \$900; for printing blanks, \$1,000; for printing report, \$700; for copies of wills and records, \$8,000; for legacy tax and other litigation, investigations and appraisals, \$3,500.

For the enforcement prohibitory law department, \$15,250 as follows: For salary of the commissioner, \$2,750; for salary of state liquor agent, \$2,200; for expense of commissioner, \$1,000; for salaries of deputy and agents, \$4,000; for expenses of deputy and agents, \$3,000; for clerical expense, \$1,200; for incidentals, \$500; for printing blanks, \$200; for printing report, \$400.

For the supreme court, \$38,425 as follows: For salaries of the justices, \$30,000; for salary of clerk, \$500; for salary of messenger, \$250; for salary of state reporter, \$1,800; for expenses of justices, \$1,000; for transportation of justices, \$500; for examination of students, \$500; for transportation of state reporter, \$125; for incidentals, \$1,000; for printing docket, \$250; for New Hampshire Law Reports, \$2,500.

For the superior court, \$36,800 as follows: For salaries of the justices, \$30,000; for expenses of justices, \$5,000; for incidentals, \$500; for transportation, \$1,300.

For the probate court, \$11,300 as follows: For salaries of the judges, \$11,300 as follows: For Rockingham county, \$1,200; for Strafford county, \$1,000; for Belknap county, \$800; for Carroll county, \$900; for Merrimack County, \$1,400; for Hillsborough county, \$2,000; for Cheshire county, \$1,000; for Sullivan county, \$800; for Grafton county, \$1,200; for Coos county, \$1,000.

For the legislature, \$175,000 for expenses.

For the state board of education, \$585,000, in which sum is included the literary fund, and in addition to the \$585,000 the sums paid into the state treasury as the forest reserve tax, the per capita tax and the tax on unorganized and other places. Of this appropriation the sum of \$40,000 is to be expended for mothers' aid; a sum not to exceed \$38,000 for salaries of officers and employees of the state board; a sum not to exceed \$340,000 for equalized state aid; and the sum of \$15,000 for rental of rooms for students at the normal schools.

The state board of education shall also receive for disbursement the income of the normal school dormitories and practice schools and the sums paid by school districts for the salaries of superintendents under Laws of 1921, chapter 85, part I, section 8 (23).

(In this department any balance which may be unexpended in the fiscal year ending June 30, 1925, shall be available for use in the following year.)

For the board of charities and correction, \$7,750 as follows: For the salary of the secretary, \$2,250; for clerical expenses, \$2,300; for incidentals, \$800; for traveling expenses, \$1,400; for printing blanks, \$200; for printing report, \$800.

For child welfare work, \$7,000.

For aid of tuberculosis patients and education for tubercular children, \$40,000.

For register of the blind, \$11,300.

For deaf, dumb and blind, support and education, \$30,000.

For aid crippled and tuberculous children, \$3,000.

Income John Nesmith fund, \$3,700.

For Granite State Deaf Mute Mission, \$150.

For the bureau of labor, \$8,450 as follows: For salary of the commissioner, \$2,750; for clerical expense, \$1,500; for expense of arbitration, \$1,000; for incidentals and travel, \$2,000; for printing blanks, \$500; for printing report, \$700.

For factory inspection, \$10,850 as follows: For salary of inspectors, \$6,200; for clerical expense, \$1,200; for incidentals and travel, \$3,200; for printing blanks, \$250.

For free employment bureau, \$2,400 as follows: For the salary of assistants, \$750; for clerical expense, \$1,000; for incidentals and travel, \$550; for printing, \$100.

For the department of weights and measures, \$14,250 as follows: For salary of the commissioner, \$2,750; for salary of the inspectors (3), \$5,100; for traveling expenses, \$3,500; for clerical expenses, \$1,100; for incidentals, \$1,000; for printing blanks, \$400; for printing report, \$400.

For the department of agriculture, \$141,400, as follows: For the salary of the commissioner, \$2,750; for the salary of the deputy, \$2,400; for clerical expenses, \$2,200; for advisory board, \$300; for incidentals, \$500; for feeding stuffs inspection, \$3,000; for fertilizer inspection, \$2,500; for nursery inspection, \$500; for seed inspection, \$1,000; for insecticides and fungicides, \$500; for resources of state (publication), \$2,500; for milk dealers' licenses, \$500; for printing report, \$1,000; for diseases of animals, \$100,000; for encouragement of sheep industry, \$500; for New Hampshire Horticultural Society, \$2,500; for bureau of markets, \$5,000; for Granite State Dairymen's Association, \$1,000; for apple-grading law, \$250; for moth suppression, \$12,500.

For the board of health department, \$28,650 as follows: For salary of secretary, \$3,000; for clerical expense, \$1,500; for incidentals, \$650; for printing blanks, \$500; for printing report, \$1,500; for epidemic fund, \$2,000; for sanitary inspection, \$5,000; for engineer, \$1,500; for purchase of antitoxin, \$3,500; for venereal work (chapter 216, Laws of 1919), \$6,000; for tuberculosis dispensaries (chapter 152, Laws of 1909), \$3,000; for medico-legal examinations, \$500.

For the laboratory of hygiene department, \$18,300 as follows: For salaries of two chemists, \$4,800; for salaries of two bacteriologists, \$2,500; for salary of pathologist, \$2,000; for clerks and assistants, \$2,250; for incidentals, \$2,750; for printing blanks and bulletins, \$2,500; for printing report, \$1,500.

For the department of vital statistics, \$5,300 as follows: For clerical expense and incidentals, \$2,800; for printing report, \$2,500.

For the adjutant-general's department, \$76,000 as follows: For salary of the adjutant-general, \$3,000; for clerical expense, \$3,000; for incidentals, \$1,000; for printing blanks, \$500; for printing report, \$1,000; for officers' uniforms, \$2,000; for rifle ranges, \$2,500; for state armories, \$12,000; for national guards, \$50,000; for enrollment expense, \$1,000.

For the forestry department, \$74,100 as follows: For the salary of the forester, \$3,000; for field assistants, \$2,200; for clerical expense, \$4,000; for traveling expenses, \$1,500; for incidentals, \$1,800; for printing blanks, \$1,200; for printing report, \$800; for district chiefs, \$7,500; for lookout stations, \$9,900; for conferences, \$1,200; for prevention of fires, \$3,000; for nursery, \$5,500; for state lands, \$5,000; for forest fire bills to towns, \$7,500; for reforestation, \$3,000; for white pine blister rust, \$17,000.

For bounties, \$2,800 as follows: For hedgehogs, \$2,500; for bears and grasshoppers, \$300.

For department of indexing, \$1,850 as follows: For salary, \$1,800; for incidentals, \$50.

For G. A. R. department, \$3,350 as follows: For printing, \$300; for incidentals, \$50; for burial of soldiers, \$3,000.

For pharmacy commission department, compensation and expenses, \$2,860.

For state dental board as follows: Compensation and expenses, \$650.

For registration of veterinary surgeons as follows: Compensation and expenses, \$200.

For board of optometry, compensation and expenses, \$510.

For board of chiropractors, for compensation and expenses, \$400.

For state house department, \$41,610 as follows: For salaries and pay roll, \$14,950; for fuel, \$7,000; for light and power, \$4,600; for water, \$380; for miscellaneous, \$1,800; for telephone operator and switch board, \$1,880; for extra labor (shoveling), \$1,500; for rent of Patriot building, \$9,500.

For state library, \$17,650 as follows: For salaries, \$7,500; for maintenance, \$5,000; for books, periodicals and bindings, \$5,000; for expenses of trustees, \$150.

For public library commission, \$4,850 as follows: For salary of secretary, \$2,000; for clerical expense, \$500; for incidentals, \$950;

for printing report, \$150; for traveling libraries, \$500; for printing bulletins, \$400; for institutes, \$350.

For N. H. College of Agriculture and Mechanic Arts, \$340,000 for maintenance.

For soldiers' home, \$25,000 for maintenance.

For state hospital, \$475,000 for maintenance.

For state industrial school, \$58,500 for maintenance.

For state prison, \$77,000 for maintenance.

For state school for feeble-minded, \$140,000 for maintenance.

For state sanatorium, \$91,520 for maintenance.

For interest charges, \$72,051.48 as follows: For teachers' institute fund, \$2,388.93; for Fiske legacy, \$1,055.14; for Kimball legacy, \$270.14; for agricultural college fund, \$4,800; for Hamilton Smith fund, \$400; for Benjamin Thompson fund, \$31,887.27; for state hospital bonds, \$8,750; for war loan, series 1918, \$22,500.

For maturing bonds, \$85,000 as follows: For state hospital bonds, \$10,000; for state highway bonds, \$75,000.

For military organizations, \$300 as follows: For Amoskeag Veterans, \$100; for Manchester War Veterans, \$100; for Lafayette Artillery Company, \$100.

For firemen's relief fund, \$4,000.

For Prisoners' Aid Association, \$200.

For Old Home Week Association, \$300.

For New Hampshire Historical Society, \$500.

For medical referees, \$50.

The commissioner of motor vehicles, with the approval of the governor and council is hereby authorized to expend for the maintenance of his department a sum not exceeding \$125,000.

SECT. 2. This act shall take effect July 1, 1924.

Takes effect July
1, 1924.

[Approved May 4, 1923.]

CHAPTER 127.

AN ACT PROVIDING FOR APPROPRIATIONS FOR CERTAIN EXPENSES OF THE STATE FOR THE YEAR ENDING JUNE 30, 1925.

SECTION

1. Appropriations for certain expenses for year ending June 30, 1925.

SECTION

2. Takes effect June 30, 1924.

Be it enacted by the Senate and House of Representatives in General Court convened:

Appropriations for certain expenses for year ending June 30, 1925.

SECTION 1. There is hereby appropriated for the fiscal year ending June 30, 1925, the following sums:

For the department of agriculture, for institutes and public meetings, the sum of \$1,500.

For the probate court, salaries of registers and deputies, the sum of \$13,500 as follows: Rockingham county, register, \$1,200; Rockingham county, deputy, \$700; Strafford county, register, \$1,200; Belknap county, register, \$800; Carroll county, register, \$800; Merrimack county, register, \$1,200; Merrimack county, deputy, \$1,000; Hillsborough county, register, \$1,500; Hillsborough county, deputy, \$800; Cheshire county, register, \$900; Sullivan county, register, \$1,200; Grafton county, register, \$1,200; Coos county, register, \$1,000.

For the highway department the sum of \$35,000 as follows: For state aid bridge construction, \$30,000; for Piscataqua bridge maintenance, \$5,000.

Takes effect June 30, 1924.

SECT. 2. This act shall take effect June 30, 1924.

[Approved May 4, 1923.]

CHAPTER 128.

JOINT RESOLUTION IN RELATION TO A GIFT TO THE STATE OF NEW HAMPSHIRE BY BENJAMIN A. KIMBALL OF HIS HOMESTEAD PREMISES IN CONCORD FOR USE AS A GOVERNOR'S MANSION.

Resolved by the Senate and House of Representatives in General Court convened:

THAT, WHEREAS, Benjamin A. Kimball, late of Concord, New Hampshire, deceased, by his last will and testament, made a gift to the state of New Hampshire of his homestead premises, located in said Concord, for use by the state as a governor's mansion, upon certain terms and conditions for care and upkeep;

Declination by
state of gift
of Kimball
homestead.

Resolved, that the state hereby acknowledges its appreciation of the intention of Mr. Kimball to make to the state a gift of his homestead premises for use as a governor's mansion, but respectfully declines acceptance of said gift for reasons of economy in state expenditures, and hereby authorizes His Excellency, the Governor, to execute and deliver to the executors of Mr. Kimball's will such release as may be found to be required to perfect the title to said property.

[Approved January 31, 1923.]

CHAPTER 129.

JOINT RESOLUTION RECOMMENDING RECONVENING THE CONSTITUTIONAL CONVENTION AND APPROPRIATING MONEY THEREFOR.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the convention to revise the constitution should be re-assembled; that the president of the convention be and hereby is requested to reassemble the convention; and that the sum of four thousand dollars be and hereby is appropriated to pay the expenses of the convention, and the governor is authorized to draw his warrant for so much of said sum as may be necessary for that purpose.

Requesting that
the constitutional
convention be
reassembled, and
appropriating
money therefor.

This resolution shall take effect upon its passage.

[Approved February 8, 1923.]

CHAPTER 130.

JOINT RESOLUTION IN FAVOR OF WILLIAM H. KNOX AND OTHERS.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation in favor of certain persons for services at the organization of senate and house.

That William H. Knox, sergeant-at-arms of the senate, be allowed the sum of twenty-two dollars and forty cents (\$22.40); Raymond C. Greer be allowed the sum of ten dollars and sixty cents (\$10.60); Frank Gay be allowed the sum of eleven dollars and ninety-two cents (\$11.92); Frank M. Ayer be allowed the sum of four dollars (\$4); Guy S. Neal be allowed the sum of forty-six dollars and forty cents (\$46.40); Frank P. Collins be allowed the sum of four dollars (\$4); Charles W. Buzzell be allowed the sum of four dollars (\$4); Horace F. Hoyt be allowed the sum of four dollars (\$4); John S. Wheeler be allowed the sum of seventeen dollars and twenty-eight cents (\$17.28); Peter Smith be allowed the sum of eight dollars (\$8); Charles E. Wendell be allowed the sum of eight dollars (\$8); Edison J. Minah be allowed the sum of thirty dollars and sixty-eight cents (\$30.68); Charles B. Benson, Jr. be allowed the sum of twenty-five dollars (\$25); Clarence W. Farrell be allowed the sum of twenty-five dollars (\$25); Francis P. Callahan be allowed the sum of ten dollars (\$10); Howard H. Hamlin be allowed the sum of twenty-seven dollars and twenty-six cents (\$27.26); and Keith Cousins be allowed the sum of two dollars and fifty cents (\$2.50), in full for their services at the organization of the present senate and house, and that the governor be authorized to draw his warrant for the same on the treasury.

[Approved February 16, 1923.]

CHAPTER 131.

JOINT RESOLUTION RELATING TO THE VALUATION OF RAILROADS.

Resolved by the Senate and House of Representatives in General Court convened:

Memorializing Congress not to change interstate commerce act, but to retain

THAT, WHEREAS, by section 19 (a) of the Interstate Commerce Act, providing for the valuation by the interstate commerce commission of the properties of common carriers, it is provided that

“such investigation shall show the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required;” and

WHEREAS, the bureau of valuation of said commission has recommended to the commission that it request Congress to relieve it from showing values of said properties by states; and

WHEREAS, it is desirable for various uses and purposes that such valuation shall be shown separately by states, as aforesaid:

Resolved, that it is the view of the senate and house of representatives of the state of New Hampshire that the interstate commerce commission should show as to each interstate carrier the value of its property in each of the several states in which said property exists, and that no change in the law to sanction failure to make such showing ought to be sought or made; and be it further

Resolved, that a copy of this resolution be mailed to each United States senator and each member of Congress from New Hampshire.

[Approved February 16, 1923.]

CHAPTER 132.

JOINT RESOLUTION IN FAVOR OF CHANGING THE NAME OF THE HIGHWAY KNOWN AS “WEST SIDE ROAD” TO THE DARTMOUTH COLLEGE ROAD.

Resolved by the Senate and House of Representatives in General Court convened:

THAT in recognition of the eminent service rendered by Dartmouth College in the cause of higher education and for the general advancement of learning, the great New Hampshire highway described as follows, beginning at the Massachusetts state boundary and running northerly through Winchester, Hinsdale, Swanzey, Keene, Gilsum, Marlow, Lempster, Goshen, Newport, Croydon, Grantham, Enfield, Lebanon, Hanover (where the college is located), Lyme, Orford, Piermont, Haverhill, Bath, Landaff, Lisbon, Littleton and Bethlehem, to its junction with the Daniel Webster highway at Twin Mountain in the town of Carroll, now known as the West Side road, be hereby given the name of Dartmouth College road, and the governor and council are authorized to do all things necessary suitably to mark and designate it accordingly.

West Side road
to be called Dart-
mouth College
road.

[Approved February 27, 1923.]

CHAPTER 133.

JOINT RESOLUTION APPROPRIATING MONEY FOR PAYMENT OF RENTAL
IN PATRIOT BUILDING IN CONCORD.*Resolved by the Senate and House of Representatives in General
Court convened:*

Appropriation to
Edward J.
Gallagher for
rental of offices in
Patriot building.

THAT the sum of forty-seven hundred and fifty dollars be and the same is hereby appropriated for the purpose of taking care of the rental of offices leased by the state from Edward J. Gallagher in the Patriot building in Concord for a term extending from January 1 to July 1, 1923; and the governor is hereby authorized to draw his warrant for the same out of moneys not otherwise appropriated.

[Approved February 27, 1923.]

CHAPTER 134.

JOINT RESOLUTION IN FAVOR OF THE ESTATE OF GEORGE W. BENSON.

*Resolved by the Senate and House of Representatives in General
Court convened:*

Appropriation in
favor of estate
of George W.
Benson.

THAT the sum of two hundred dollars be paid to the estate of George W. Benson, a member of the house; that the governor be authorized to draw his warrant for the same out of the appropriation for the expense of the legislature for the 1923 session; and that the same be paid at once.

[Approved March 7, 1923.]

CHAPTER 135.

JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE OLD HOME
WEEK ASSOCIATION.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of five hundred dollars (\$500) be and is hereby appropriated for the use of the New Hampshire Old Home Week Association, in addition to the regular standing appropriation for that organization, in furthering its work in connection with the celebration of the three hundredth anniversary of the settlement of the state, during Old Home Week of the present year, and to meet the naturally largely increased expense of the preparation and publication of its annual report, containing a record of the proceedings at the various state and local celebrations held during the week; the same to be paid to the treasurer of said association, and expended under the direction of its executive committee, and the governor is authorized to draw his warrant for the same, out of any money in the treasury not otherwise appropriated.

Appropriation in
favor of Old
Home Week
Association.

This joint resolution shall take effect upon its passage.

[Approved March 7, 1923.]

CHAPTER 136.

JOINT RESOLUTION APPROPRIATING MONEY FOR PURPOSES OF CONTINU-
ING THE WORK OF ERADICATING BOVINE TUBERCULOSIS AND CON-
TROLLING AND SUPPRESSING CONTAGIOUS AND INFECTIOUS DISEASES
AMONG DOMESTIC ANIMALS.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of thirty-five thousand dollars be, and the same is, hereby appropriated for the purpose of continuing the work of eradicating bovine tuberculosis under the accredited herd plan, and controlling and suppressing contagious and infectious animal diseases to July 1, 1923. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Appropriation for
eradicating bovine
tuberculosis.

[Approved March 21, 1923.]

CHAPTER 137.

JOINT RESOLUTION IN AID OF THE TOWN OF HAVERHILL IN BUILDING
A BRIDGE ACROSS THE CONNECTICUT RIVER.

*Resolved by the Senate and House of Representatives in General
Court convened:*

Appropriation in
favor of Haverhill
toward building
bridge.

THAT the sum of ten thousand dollars be and the same is hereby appropriated for state aid in the construction of the new highway bridge at Woodsville, and the governor is hereby authorized to draw his warrant to the town of Haverhill for the same out of any money in the treasury not otherwise appropriated.

[Approved March 22, 1923.]

CHAPTER 138.JOINT RESOLUTION FOR ESTABLISHING A FREE BRIDGE IN THE TOWN
OF MONROE.

*Resolved by the Senate and House of Representatives in General
Court convened:*

Establishing a
free bridge in
Monroe.

THAT the sum of two thousand dollars, or so much thereof as may be required, is hereby appropriated for state aid in the purchase of the Lyman bridge, so called, extending across the Connecticut river between the towns of Monroe, New Hampshire, and Barnet, Vermont, at the village of McIndoes, or the privilege, easement or franchise of the proprietors of Lyman bridge, and the establishment of said bridge as a free highway bridge. Said appropriation shall be expended under the supervision of the governor and council; and the governor is authorized to draw his warrant for the same from the money appropriated for highways.

[Approved March 29, 1923.]

CHAPTER 139.

JOINT RESOLUTION IN FAVOR OF HUBERT J. KENNEDY.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of three hundred and seventy-five dollars be allowed and paid to Hubert J. Kennedy for expenses arising out of an accident suffered by him while in the performance of his duties as an employee of the state highway department on or about November 8, 1922; and that said sum be made a charge upon the state aid maintenance fund for highways and the state treasurer is hereby authorized to pay the same out of said fund.

Appropriation in favor of Hubert J. Kennedy.

[Approved April 20, 1923.]

CHAPTER 140.

JOINT RESOLUTION IN FAVOR OF THE ESTATE OF WILLIAM B. DEAL.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of two hundred dollars be paid to the estate of William B. Deal, a member of the house; that the governor be authorized to draw his warrant for the same out of the appropriation for the expense of the legislature for the 1923 session; and that the same be paid at once.

Appropriation in favor of estate of William B. Deal.

[Approved April 20, 1923.]

CHAPTER 141.

JOINT RESOLUTION TO PROVIDE FOR A DEFICIT IN THE APPROPRIATION
OF THE NEW HAMPSHIRE STATE HOSPITAL FOR THE FISCAL PERIOD
ENDING JUNE 30, 1923.

*Resolved by the Senate and House of Representatives in General
Court convened:*

Appropriation for
deficit of New
Hampshire state
hospital for
year ending June
30, 1923.

THAT the sum of thirty thousand dollars (\$30,000) be and the same hereby is appropriated for the purpose of providing for the deficit in the year ending June 30, 1923, for the New Hampshire State Hospital in addition to the amount provided by the Laws of 1921; the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved April 20, 1923.]

CHAPTER 142.

JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE STATE PRISON.

*Resolved by the Senate and House of Representatives in General
Court convened:*

Appropriation for
repairing New
Hampshire state
prison.

THAT the following amounts be and hereby are appropriated for the New Hampshire State Prison: For repairing north wall of prison, five hundred dollars (\$500); for repairing gates, one thousand dollars (\$1,000); said amounts to be expended by the trustees of the New Hampshire State Prison, and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

[Approved May 4, 1923.]

CHAPTER 143.

JOINT RESOLUTION FOR IMPROVEMENTS AT THE NEW HAMPSHIRE
STATE SANATORIUM.

*Resolved by the Senate and House of Representatives in General
Court convened:*

THAT the following sums are hereby appropriated for the New Hampshire State Sanatorium: Five thousand dollars (\$5,000) for repair and enlargement of electric plant; five thousand dollars (\$5,000) to complete equipment of new infirmary; four thousand dollars (\$4,000) to be used in overhauling steam plant; one thousand dollars (\$1,000) to repair and enlarge dam; one thousand dollars (\$1,000) for furnishings for nurses' home; one thousand dollars (\$1,000) for new equipment for dining rooms and kitchen; five hundred dollars (\$500) to build vegetable cellar and coal pocket. The governor is hereby authorized to draw his warrant for same out of any money in the treasury not otherwise appropriated.

New Hampshire
state sanatorium,
improvements at.

[Approved May 4, 1923.]

CHAPTER 144.

JOINT RESOLUTION PROVIDING FOR THE DEFICIENCY OF THE NEW
HAMPSHIRE SCHOOL FOR FEEBLE-MINDED CHILDREN.

*Resolved by the Senate and House of Representatives in General
Court convened:*

THAT the sum of five thousand dollars (\$5,000) be and hereby is appropriated for the New Hampshire School for Feeble-Minded Children, to be paid out of the treasury for the fiscal period ending June 30, 1923, in addition to the amount provided by the Laws of 1921; and the governor is hereby authorized to draw his warrant on the treasury for an amount not exceeding the sum hereby appropriated.

New Hampshire
school for feeble-
minded children,
appropriation for.

[Approved May 4, 1923.]

CHAPTER 145.

JOINT RESOLUTION FOR IMPROVEMENTS AT THE SCHOOL FOR FEEBLE-MINDED CHILDREN.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriating various sums for improvements of school for feeble-minded children.

THAT the following sums be and are hereby appropriated for the New Hampshire School for Feeble-Minded Children: Twelve hundred dollars (\$1,200) for water-proofing the cement water tower; three thousand eight hundred dollars (\$3,800) for an additional boiler; six thousand dollars (\$6,000) for repairs and equipment of the farm buildings on the Charles Sanborn place to be used as a colony for boys; and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

[Approved May 4, 1923.]

CHAPTER 146.

JOINT RESOLUTION TO PROVIDE FOR A WATER SUPPLY AND FOR IMPROVEMENT OF LAND AT THE STATE FOREST NURSERY.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation for water supply and improvements at state forest nursery.

THAT, in view of the very large amount of waste and unproductive land in New Hampshire and the demand for young trees for the reforestation of such land which cannot now be supplied from the state nursery or other nurseries within and outside the state and in order to increase the area of land available for use in growing forest tree seedlings at the state forest nursery and consequently to increase the output of such seedlings for planting on state land and for sale to land owners within the state, there is hereby appropriated the sum of three thousand dollars (\$3,000) for the construction of a water supply and storage reservoir and for improvement of land, said amount to be expended under the direction of the forestry commission and to be available during the fiscal year ending June 30, 1924. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved May 4, 1923.]

CHAPTER 147.

JOINT RESOLUTION FOR THE REPAIR OF THE WEBSTER BIRTHPLACE IN
FRANKLIN.

*Resolved by the Senate and House of Representatives in General
Court convened:*

THAT the sum of three hundred dollars (\$300) be and is hereby appropriated for the repair of the house and improvement of the farm known as the Webster Birthplace in Franklin, and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

[Approved May 4, 1923.]

CHAPTER 148.JOINT RESOLUTION FOR REPAIRS ON STATE HOUSE AND CARE OF TREES
IN YARD.

*Resolved by the Senate and House of Representatives in General
Court convened:*

THAT the sum of three hundred dollars is hereby appropriated for the care of the trees in state house yard, and that the sum of one thousand dollars is hereby appropriated for each fiscal year, ending June 30, 1924 and ending June 30, 1925, for extraordinary repairs in the state house.

[Approved May 4, 1923.]

CHAPTER 149.

JOINT RESOLUTION IN FAVOR OF REPAIRING SUGAR LOAF ROAD IN THE TOWN OF ALEXANDRIA.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation for
repairing Sugar
Loaf road.

THAT the sum of two hundred dollars be and the same hereby is appropriated for the repair of Sugar Loaf road in the town of Alexandria for the year 1923, and a like amount for the year 1924, the same to be expended by the selectmen under the direction of the state, and said appropriation shall be a charge upon the appropriation for the permanent improvement of highways made by section 10, chapter 35, Laws of 1905.

[Approved May 4, 1923.]

CHAPTER 150.

JOINT RESOLUTION FOR THE REPAIR AND IMPROVEMENT OF HIGHWAYS IN THE TOWN OF BROOKFIELD.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation for
repair and im-
provement of
highways in
Brookfield.

THAT the sum of one thousand dollars be, and the same is hereby appropriated, *provided* the town of Brookfield appropriate a like amount, for the repair and improvement of that portion of the main road between the village of Sanbornville in the town of Wakefield, and the village of Wolfeboro in the town of Wolfeboro, lying in said town of Brookfield, for the year 1923 and a like sum for the year 1924. The same to be expended under the direction of the commissioner of highways and said sums are hereby made a charge upon the maintenance funds, as provided by section 10, chapter 35, Laws of 1905.

[Approved May 4, 1923.]

CHAPTER 151.

JOINT RESOLUTION FOR THE REPAIR OF THE HIGHWAY LEADING FROM
DORCHESTER TO LYME.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of four hundred dollars (\$400) be and hereby is appropriated for the repair of the highway leading from Dorchester to Lyme, beginning at the junction of the Lyme road, so called, and the North Dorchester road, in the town of Dorchester, thence continuing over said Lyme road, so called, to a point in the town of Lyme, about two (2) miles east of Lyme center; *providing* that the towns of Dorchester and Lyme, contribute two hundred dollars (\$200) each for the same purpose, said sums to be expended under the direction of the highway commissioner.

Appropriation for
repair of highway
from Dorchester
to Lyme.

[Approved May 4, 1923.]

CHAPTER 152.

JOINT RESOLUTION FOR THE IMPROVEMENT OF THE MAIN ROAD LEADING
FROM EFFINGHAM FALLS TO SOUTH EFFINGHAM.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of fifteen hundred dollars (\$1,500) for the year 1923 and a like sum for the year 1924 be and hereby is appropriated, on condition that the town of Effingham appropriates seven hundred and fifty dollars (\$750) for each of the two years, for the improvement of the main road leading from Effingham Falls to South Effingham. The said sums appropriated by the state and by the town shall be expended under the direction of the highway commissioner and the sums appropriated by the state shall be a charge upon the maintenance funds as provided by section 10, chapter 35, Laws of 1905.

Appropriation for
improvement of
main road from
Effingham Falls
to South Effing-
ham.

[Approved May 4, 1923.]

CHAPTER 153.

JOINT RESOLUTION FOR THE IMPROVEMENT OF A HIGHWAY LEADING
FROM FREEDOM TO EAST MADISON.

*Resolved by the Senate and House of Representatives in General
Court convened:*

Appropriation for
improvement of
highway from
Freedom to East
Madison.

THAT the sum of fourteen hundred dollars (\$1,400) for the year 1923 and a like sum for the year 1924 be and hereby is appropriated, on condition that the town of Freedom appropriates seven hundred (\$700) for each of the two years, for the improvement of the highway leading from Freedom to East Madison. The said sums appropriated by the state and by the town shall be expended under the direction of the highway commissioner and the sums appropriated by the state shall be a charge upon the maintenance funds as provided by section 10, chapter 35, Laws of 1905.

[Approved May 4, 1923.]

CHAPTER 154.JOINT RESOLUTION FOR THE IMPROVEMENT OF THE MAIN ROAD IN THE
TOWN OF TAMWORTH FROM WHITTIER TO CHOCORUA.

*Resolved by the Senate and House of Representatives in General
Court convened:*

Appropriation for
improvement of
main road in
Tamworth.

THAT the sum of four thousand dollars (\$4,000) for the year 1923 and a like sum for the year 1924 be and hereby is appropriated for the permanent improvement of the main road in the town of Tamworth, leading from the Ossipee-Meredith road at Whittier to the East Side road at Chocorua, *providing* that the town of Tamworth appropriates two thousand dollars (\$2,000) for each of the two years, these sums to be expended under the direction of the highway commissioner; and the said sums appropriated by the state are made a charge upon the maintenance funds as provided by section 10, chapter 35, Laws of 1905.

[Approved May 4, 1923.]

CHAPTER 155.

JOINT RESOLUTION IN FAVOR OF EUCLIDE AND MARIE HALDE, PARENTS OF WILFRED X. HALDE, FORMERLY PRIVATE, BATTERY B 172ND FIELD ARTILLERY, NEW HAMPSHIRE NATIONAL GUARD, KILLED SEPTEMBER 23, 1922, AT CONCORD, NEW HAMPSHIRE.

Resolved by the Senate and House of Representatives in General Court convened:

THAT Euclide Halde and Marie Halde, parents of the late Wilfred X. Halde, formerly Private, Battery B 172nd Field Artillery New Hampshire National Guard, accidentally killed at the Boston and Maine Railroad yards, Concord, New Hampshire, September 23, 1922, while in the service of the state of New Hampshire, be allowed the sum of one thousand dollars, and the governor is authorized to draw his warrant for the same out of any moneys in the treasury not otherwise appropriated.

Appropriation
in favor of
parents of Wilfred
X. Halde.

[Approved May 4, 1923.]

CHAPTER 156.

JOINT RESOLUTION IN FAVOR OF CHARLES H. CHANDLER.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of one hundred and sixty dollars be allowed and paid Charles H. Chandler for expenses arising out of an accident while in the performance of his duties as an employee of the state highway department, the same to be charged to the general state aid maintenance account.

Appropriation in
favor of Charles
H. Chandler.

[Approved May 4, 1923.]

CHAPTER 157.

JOINT RESOLUTION IN FAVOR OF THE MARGARET PILLSBURY GENERAL
HOSPITAL AND DR. JAMES W. JAMESON.

*Resolved by the Senate and House of Representatives in General
Court convened:*

Appropriation in
favor of Mar-
garet Pillsbury
general hospital
and Dr. James W.
Jameson.

THAT the sum of fifteen dollars and eighty-five cents be allowed and paid to the Margaret Pillsbury General Hospital and the sum of twenty-seven dollars be allowed and paid to Dr. James W. Jameson for services on account of Avery G. Davis, who was injured on April 6, 1921, while in the performance of his duties as an employee of the state forestry department and the governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

[Approved May 4, 1923.]

CHAPTER 158.

JOINT RESOLUTION IN FAVOR OF K. R. FOSTER.

*Resolved by the Senate and House of Representatives in General
Court convened:*

Appropriation
in favor of
K. R. Foster.

THAT K. R. Foster be allowed the sum of \$61.17 in full payment for damages sustained to his truck in collision with the state prison's truck on January 24, 1922, and that the said sum shall be a charge against the maintenance fund of the state prison.

[Approved May 4, 1923.]

CHAPTER 159.

JOINT RESOLUTION IN FAVOR OF HENRY GIDDIS.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of \$20 be allowed Henry Giddis for damage to sleigh and contents caused by horse being scared by tractor owned and operated by the state highway department, on March 2, 1923, and the same be made a charge upon the appropriation for maintenance of state aid highways.

Appropriation in favor of Henry Giddis.

[Approved May 4, 1923.]

CHAPTER 160.

JOINT RESOLUTION IN FAVOR OF CLARENCE G. GOVE.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of fifty dollars (\$50) be allowed and paid to Clarence G. Gove for expense and damage arising out of an accident to his horse while his team was being passed by a truck operated by the state highway department. Said sum to be charged upon the appropriation for maintenance of highways.

Appropriation in favor of Clarence G. Gove.

[Approved May 4, 1923.]

CHAPTER 161.

JOINT RESOLUTION TO ASSIST THE CITIES OF PORTSMOUTH AND DOVER
IN CELEBRATING THE THREE HUNDREDTH ANNIVERSARY OF THE FIRST
SETTLEMENT OF THE STATE.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of five thousand dollars be and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, to assist the city of Portsmouth in the ter-

Appropriation for Dover and Portsmouth tercentenary.

centenary celebration of the first settlement of the state, and that a like sum be and the same is hereby appropriated to assist the city of Dover in the same celebration, and that the further sum of fifty dollars be hereby appropriated for the payment of expenses incurred by the tercentenary commission.

[Approved May 4, 1923.]

CHAPTER 162.

JOINT RESOLUTION IN AID OF THE SPANISH WAR VETERANS.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation in
aid of Spanish
war veterans.

THAT the sum of three thousand dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated, to be applied toward the expense of the twenty-fifth anniversary of the First New Hampshire Volunteers of the Spanish War on May 17, 1923, to be held at Concord.

[Approved May 4, 1923.]

CHAPTER 163.

JOINT RESOLUTION PROVIDING FOR THE MAKING OF IMPROVEMENTS, PURCHASE OF PROPERTY AND NECESSARY REPAIRS UPON THE BUILDINGS AND GROUNDS OF THE NEW HAMPSHIRE VETERANS' ASSOCIATION AT THE WEIRS FOR THE FISCAL YEARS 1923-1924 AND 1924-1925.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation
for improvements
and repairs of
property of the
New Hampshire
veterans associa-
tion at Weirs.

THAT the sum of three thousand dollars be and hereby is appropriated for the fiscal year ending June 30, 1924, and the same amount for the fiscal year ending June 30, 1925, for the purpose of making improvements and necessary repairs upon and in addition to the buildings and grounds of the New Hampshire

Veterans' Association at the Weirs, said appropriation of three thousand dollars for each of the fiscal years named above to be expended by an agent appointed by the governor and council, and the governor is authorized to draw his warrant for the payment of such sums out of any money in the treasury not otherwise appropriated.

[Approved May 4, 1923.]

CHAPTER 164.

JOINT RESOLUTION TO ENABLE THE STATE TO CO-OPERATE WITH THE UNITED STATES IN THE PROMOTION OF THE WELFARE AND HYGIENE OF MATERNITY AND INFANCY IN THE STATE OF NEW HAMPSHIRE.

Resolved by the Senate and House of Representatives in General Court convened:

TILAT the sum of seven thousand nine hundred and eighty-eight dollars and thirty-one cents (\$7,988.31) be and the same is hereby appropriated to be paid out of the treasury of the state for the fiscal year ending on the thirtieth day of June, one thousand nine hundred and twenty-four and that a like sum be and the same is hereby appropriated out of the treasury of the state for the fiscal year ending on the thirtieth day of June, one thousand nine hundred and twenty-five to be used and expended under the direction of the state board of health for the purpose of co-operating with the United States in the promotion of the welfare and hygiene of maternity and infancy in the state of New Hampshire; the foregoing appropriation to be contingent upon federal legislation making appropriations of money to be expended in like amount under the provisions of S. 1039 (Sheppard-Towner Act), An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes. *Provided*, that should the federal appropriation above described become unavailable by reason of an adverse decision of the United States supreme court, or otherwise, then the sums herein appropriated to be paid out of the treasury of the state shall, nevertheless, be so paid out for either or both of the next two fiscal years, to be used and expended under the direction of the state board of health for the promotion of the welfare and hygiene of maternity and infancy.

Appropriation for co-operation with federal government in promotion of hygiene of maternity and infancy.

No official, or agent, or representative in carrying out the pro-

visions of this act shall enter any home or take charge of any child over the objection of the parents, or either of them, or the person standing *in loco parentis* or having custody of such child. [Nothing in this act shall be construed as limiting the power of a parent or guardian or the person standing *in loco parentis* to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purpose.

[Approved May 4, 1923.]

CHAPTER 165.

JOINT RESOLUTION TO PROVIDE FOR CO-OPERATION WITH THE UNITED STATES GEOLOGICAL SURVEY IN THE ESTABLISHMENT AND MAINTENANCE OF STREAM FLOW GAUGING STATIONS.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation for
co-operation with
federal geological
survey in
maintaining
stream flow
gauging stations.

THAT the sum of three thousand dollars (\$3,000), or so much thereof as may be necessary, is hereby appropriated to be used and expended under the direction of the public service commission for the purpose of co-operating with the United States Geological Survey in the establishment and maintenance of stream flow gauging stations on streams of this state for the purpose of providing the people of the state with information that will further industrial development.

A report of the results of this work and recommendations based thereon, shall be made to the next legislature.

[Approved May 4, 1923.]

CHAPTER 166.

JOINT RESOLUTION RELATING TO THE CALLING OF THE CONSTITUTIONAL CONVENTION.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the officers of the towns and cities of this state who are by law required to warn meetings for the election of state senators shall expressly insert in the warrants calling a meeting for the next election of senators an article which shall provide for taking the sense of the qualified voters of the state on the subject of a revision of the constitution during the year 1924; and the secretary of state shall so prepare the ballots which shall be used at said election that an opportunity shall be given for an expression of the sense of the voters upon the question.

Town officers to provide for taking the sense of voters on revision of the constitution during the year 1924.

[Approved May 4, 1923.]

CHAPTER 167.

JOINT RESOLUTION IN FAVOR OF JAMES W. PRIDHAM, FREDERICK W. MOORE AND OTHERS.

Resolved by the Senate and House of Representatives in General Court convened:

THAT James W. Pridham, sergeant-at-arms, and Frederick W. Moore, sergeant-at-arms, be allowed the sum of \$477 each; that Herbert R. Whitelock, chaplain, be allowed the sum of \$424; that Charles H. McDuffee, custodian, be allowed the sum of \$424; that John H. Emerson, Richard J. Lee, Patrick H. O'Neill, Arthur G. Dugas, Bartholomew J. Hargreaves, Jeremiah J. Healey, Selden P. Tuttle, James A. Kearns, Frank M. Ayer, Richard W. Walton, Charles E. Wendell, Joab N. Patterson and Robert M. Clark be allowed the sum of \$424 each; that Elizabeth H. Sanborn be allowed the sum of \$864; that Bessie A. Callaghan be allowed the sum of \$636; that Alice V. Flanders, Irene C. O'Reilly, Margaret F. Cameron and Norah A. Dwyer be allowed the sum of \$477 each; that Chester Mooney, John Burke, Edgar Chevette, James E. Connell, Jr. and Francis Foley be allowed the sum of \$255 each; that Emile Dupuis be allowed the sum of \$306; that Randolph W.

Sundry allowances for services, expenses and supplies.

Branch and Bernard B. Chase, clerk of the house and senate, respectively be allowed the sum of \$300 each; that Alvin A. Lucier and Benjamin F. Greer, Jr., assistant clerk of the house and senate, respectively, be allowed the sum of \$300 each; that Peter Smith be allowed the sum of \$4; that the Keene Sentinel be allowed the sum of \$6; that the Portsmouth Times be allowed the sum of \$2.50; that the Portsmouth Herald be allowed the sum of \$7; that the Laconia Democrat be allowed the sum of \$1.36; that Alexander Murchie be allowed the sum of \$500; that William M. Haggett be allowed the sum of \$253.40; that Emma C. Clapp be allowed the sum of \$296.80; that William D. Chandler be allowed the sum of \$118.58; that the Edson C. Eastman Company be allowed the sum of \$532.70; that Agnes Collins be allowed the sum of \$3; that the Buxton Greenhouses be allowed the sum of \$10; that the State House Department be allowed the sum of \$747.72; that the New Hampshire Patriot Company be allowed the sum of \$256.30; that the Bektash Temple be allowed the sum of \$100; that Alice V. Flanders be allowed the sum of \$1.25; that Elizabeth H. Sanborn be allowed the sum of \$12.05; that the Telegraph Publishing Company be allowed the sum of \$6.70; that the Times Publishing Company be allowed the sum of \$2.50; that the Manchester Daily Mirror be allowed the sum of \$353.64; that the Monitor-Patriot Company be allowed the sum of \$456.96; that the Union Leader Publishing Company be allowed the sum of \$671.55; that Wesley Adams be allowed the sum of \$1.52; that Frederiek W. Moore be allowed the sum of \$.75; that William M. Haggett be allowed the sum of \$127; that Edson C. Eastman Company be allowed the sum of \$33.08; that J. H. Forster be allowed the sum of \$7; and that Fred W. Bickford, governor's messenger, be allowed the sum of \$424.

[Approved May 4, 1923.]

CHAPTER 168.

NAMES CHANGED.

From January, 1921, to January, 1923, the registers of probate returned to the secretary of state the following changes of names ^{By probate courts.}
made by the probate court:

Rockingham County—Bessie A. Smith to Bessie A. Smith Pat-^{Rockingham.}
ten; Mary Elizabeth Adams to Mary Elizabeth Grout; Violet Ruby
Huber to Violet Ruby Jones; Harvey Milligan to Harvey Stowe;
Lawrence Holman to Lawrence Parker Beran; Edgar Bean to
Harry Charles Enire; Aurora Allard to Aurora Alice Desrosiers;
Marion Elinor Fiske to Marion Elinor Moore; Margaret Ellen
Clifford to Margaret Ellen Bennett; Jennie Aramenta Wood to
Jennie Aramenta Wood Ransom; Florence Lillian Vose to Florence
Lillian Sargent; Alma Louise Vose to Alma Louise Sargent; Marie
Lavoie to Corinne Elizabeth Marie Lamoureux; Mabel Osgood to
Mabel Jean Catlin; Grace Small Fuler to Grace Culver Small;
John J. Hoban, Jr. to George Waldo Clough; Clara L. Irving to
Clara L. Felch; Minnie S. Hayford to Mary Sargent Hayford;
Mildred Laura Ballou to Mildred Elizabeth Faulkner; Catherine
E. Foley to Doris Elizabeth Wilson; Daniel Webster to Daniel
Webster Harvey; Minnie Jane Collins to Minnie Jane Sanborn;
Emerson Sanger Spinney to Emerson Sumner Spinney; Hazel
Twing to Hazel Agnes Diekey; Albert L. Fieldsend, Jr. to James
W. Petitpas.

Strafford County—Eleanor Collins to Eleanor M. Flanagan;^{Strafford.}
Donald Ray to Nathan Howard Babcock; Orman Alfred to Orman
Alfred Dodge; Merlin H. Nelson to Merlin H. Canney; Beatrice
Eliza Patterson to Beatrice Eliza Moulton; Bernard Whitehouse
to Bernard Whitehouse (adpt.); George C. H. Markopoulos to
George Markos; Ruth E. Sutermeister to Ruth E. Watson; Reginald
J. Murphy to Reginald J. Pollock; Norman L. Ellis to Norman L.
Quimby; Belle Louise LeBreton to Mary Reta Baenlieu; Gertrude
May McKensie to Gertrude May Tatro; Lena Herman to Clare E.
Ellison; Lillian V. Scruton to Lillian Helen Locke; Susan E. Gunn
to Susan Ethel Robinson.

Belknap County—Irene Stamboski to Eliene E. Turcotte^{Belknap.}
(adpt.); Alvina Wilkinson to Alvina Wilkinson; Ralph Swift to
Ralph Carpenter (adpt.); Richard Leroy Hillsgrove to Cameron
Junior Haynes (adpt.); Ida Idell Richardson to Ida Idell Shaw;
Blanche B. Barrett to Blanche Bundy Gordon; Ethel M. Swift to
Ethel M. Baldi; Ernest Henry Cloutier to Ernest Henry Smith
(adpt.); Viola Tilton to Viola Jewell Miller (adpt.); Walter Myron
Tilton to Walter Levi Hoyt (adpt.); Ellen Augustine Tilton to
Ellen Augustine Hoyt (adpt.); Nora Belle Buswell to Isa Belle

Buswell; Gerald Fowler to Gerald Charles Combs (adpt.); Catherine F. Lynch to Katherine F. Rodgers (adpt.); Bertha F. Fonhy to Bertha F. Copp; Louise Shackford to Louise Olive Brown (adpt.); John Elwood Compronie to John Elwood Benton (adpt.); Ruth P. Jones to Ruth Plummer Osgood; ——— Fisher to Wilfred A. Labine (adpt.); Esther S. Mills to Esther Stickle; Mary Elizabeth Appleton to Mary Elizabeth Clark (adpt.); John R. Pickering to John Ralph Holden (adpt.); Edmand Orr to Harold W. Smith (adpt.); Hardy B. Flanders to Hardy Fuller Reynolds; Lonice Hibbard Flanders to Lonice Hibbard Reynolds.

Carroll.

Carroll County—Lillian Winnifred Fraser to Mary Fraser Hobbs; Mary Viola McLean to Mary Viola Robinson; Richard Baker to Richard Bedard; Silas Parker to John Parker Lee; Shirley Ruth Hulburt to Shirley Ruth Rogers.

Merrimack.

Merrimack County—Joseph Grandiose Alfred Couture to Elphage Joseph Couture; Lawrence C. Reif to Lawrence C. LeBean; Stillman G. Foster to Stillman Foster Davis; Winnie M. Putney to Winnifred M. Putney; Flora Eva Bly to Florence Ena Bly; Kenneth R. Fuller to Kenneth R. Towle; Fannie W. Bennett to Fannie W. Harvey.

Hillsborough.

Hillsborough County—Roberta May Sharpless to Roberta May Nichols; Robert Sharpless to Robert Eugene Nichols; Mary Boynton to Mary Nichols; Laura B. Wentworth to Laura B. Moquin; Leonore A. Burns to Lenore A. Wingate; Mary M. Thibodeau to Mary M. Thurber; Susan J. Abbott to Susan J. Ryerson; Lillian May Greager to Lillian May Wood; Ethel A. Welpley to Ethel A. Scheer; John Toivanen to John Adams; Maria Toivanen to Maria Adams; Helmi Toivanen to Helen Adams; Tyyne Toivanen to Tyyne Adams; Helene Boucharde to Helene Lachanee; Daniel Frederick O'Neil to Daniel Frederick Robinson; Linda Modis to Linda Kuhn; Gladys R. Pepler to Gladys Elizabeth Render; Howard L. Rousseau to Howard L. Brooks; Ralph Taylor to Ralph Chase; Hattie M. A. Choate to Hattie M. A. Sanborn; John Gossler to John Reich; Alfred Joseph Lamore to Frederick Joseph Baker; Lena Clough Parker to Lena Clough Philbrick; Gladys Irene Learned to Gladys Irene Sweatt; Nicholas Gregoris Tringozis to Nichols Gregoris Tringoson; Arthur Peter Hartwich to Arthur Paul Modis; Joseph Henri Forbes to Joseph Henri Dion; Adelaide J. Marrott to Adelaide J. Jenness; Edith Thayer Duncklee to Edith Thayer Packard; Charles Colarusso to Charles A. Russi; Betsey Hutchins to Betsey Lovejoy; Mildred Naomi Hatjigogas to Mildred Naomi McBride; Minnie B. Jaquith to Minnie B. Farley; Kathryn P. Haskell to Kathryn P. Burns; Frances Joseph Weagle to Francis Joseph Powell; Marie Clarinda Langelier to Marie Alida Langelier; Laura Wolf Meunier to Laura Wolf; Robert Pember to Robert Cote; Blanche Claire Lavoie to Blanche Claire Jolin;

William Alfred Best to Arthur Howard Bills; Lola Walters to Ella Alberta Barton; Olea Valley to Rhea Mary Ball; Jules Albert Lehman to Jules Albert Coppez; George King Sullivan to George Amos Ward; Violet Manseau to Violet Carignan; Oscar Boyer to Oscar Andrew Bourso; Doris Dupont St. Jacques to Doris Gamache; Harry Carr Reynolds to Harry Carr Smith; Marcel Bonenfant to Marcel Demers; Baby Giddings to John Wesley Wright, Jr.; Joseph Harry Kean to Joseph Harry Loranger; Geraldine Barbara Lawson to Lola Jane Hesselden; Charles Edward Burns to Charles Edward Langston; Marie Murial Thalma to Muriel Talma Morin; Hazel Mae Duncan to Hazel Duncan Barrett; Doris May St. John to Doris May Gregg; Augusta Elizabeth Heacock to Augusta Elizabeth Johnson; Mary J. H. Petit to Nellie F. Jones; Clarence Henry Shaw to Stuart Arthur Marshall; Peter Smith to Joseph Raymond Lambert; Aurore Dube to Aurore Gaudet; Marie Anne Dube to Marie Anne Gaudet; Dorothy May Robinson to Dorothy May Thebodeau; Eugene Spalding to George Allyson Franke; Reginald S. Frazier to Dennis D. Blain; Winslow Manchester to Winslow Manchester Jackson; James Whiting Brianos to James G. Politis; Ruth Evelyn Healy to Ruth Evelyn Shurburne; Charles MacLeod to Charles Ready; George Foss to Earl Shaw; Robert Burns Patten to Robert Burns Davis; Doris Louise Chandler to Marjorie Ellsworth Moorby; Rita Trottier to Rita Doucette; Howard Clinton Adams to Harold Clifton Sturtevant; William Sevigny to Leo Charland; Catherine Edith Brown to Catherine Edith Sleeper; Beatrice S. Hill to Beatrice S. Currul; Margaret Josephine Daley to Rita Seymour; Marie Yvette Soucy to Marie Yvette Gamelin; C. Amy Wilder to Charlotte Wilder Ryder; Blanche Auclair to Blanche Auclair Allard; Gertrude Couturier to Gertrude Demers; Helen Reed to Helen Reed Moss; Ila Marie MacDonald to Ila Marie Mason; Erma Mabel Laschkowsky to Erma Mabel Neumann; Elizabeth Thayer to Irene Royer; Robert Allen Shortsleeve to Robert Allen Newman; Agnes O'Brien to Agnes Tourant; Mary Duffy to Mary Duffy Moss; Robert Currier to Edward Howe; Elizabeth Raymond to Elizabeth Normand.

Cheshire County—Cora E. Morrill to Eileen Morrill O'Brien; ^{Cheshire.} Arthur Calkins to Arthur Sharkey; Mary Vida Desilets to Mary Vida Shevlin; Lester Walter Blanchard to Edward James Gratto; Charlotte E. Burns to Charlotte Elsie Shattuck; Mary L. Zapula to Mary L. Bucossi; Louis Zapula to Louis Bucossi; Vita Zapula to Vita Bucossi; Ida Asiala to Ida Matilla; Reginald Pratt to Reginald Spencer Aldrich; Virginia Lathrop Dow to Virginia Lathrop Adams; Vivian Orrie Buswell to Vivian Orrie Worcester; Marion Lang to Marion Donnelly; Roy Guyette to Roy Wendell Williams; Grace May Dudley to Grace May Darling; Marcia Alice Greene to Marcia Alice Chadon; Jane Staples to Jane Ruth Wheeler; Dorothy

Marsh Cabrol to Dorothy Jessie Marsh; Hollis Whitecomb Abbott to Charles Wescott Giles; Roberta Mavis Powers to Roberta Mavis Patriek; Thelma Agnes McClure to Thelma Agnes Wheeler.

Sullivan.

Sullivan County—Eva M. Stevens to Eva M. Demars; Selina Jane Eastman to Selina Jane Roberts; Mae S. Mahoney to Mae S. Sulham; Ruth Evelyn Rising to Ruth Evelyn Freeman; William W. C. Vandegrift to Billy B. Van; Lillian Champlin Ager to Lillian Champlin; Mary R. Dion to Mary R. Lizzotte; Malcolm Delmore Kelton to Malcolm Delmore Young; Margaret May Lamond to Margaret May Townsend; Edward Herriek Lamond to Edward Herriek Townsend; Richard McKay to Richard Johnson; Thursa M. Clough to Thursa M. Partridge.

Grafton.

Grafton County—Frederick A. Abbey to Frederick Alyward Bennett; Lawrence Merle Adams to Junior Herbert Downing; Madison K. Boemig to Madison K. Knighton; Beatrice H. Bell to Beatrice Hildreth; Rosa Boudreau to Rosa Cormier; William Wallace Birnie to William Wallace Kendall; Helen Francis Bagley to Dorothy Irene Pratt; Ruby Luthera Bailey to Ruby Luthera Blanchard; Leona Callahan to Leona L. Libby; Marjorie Mabel Cushman to Marjorie Elaine Hannaford; Bessie May Callahan to Bessie M. Callahan; Beatrice Lela Deselle to Beatrice Lela Richard; Alice Day to Alice Bertha Wiggin; Mary A. Daigneau to Marion Annie Carr; Pauline L. Edwards to Pauline Lillian Edwards; Mae M. Gonyer to Mae Bailey McLellan; Ethel Mae George to Ethel Mae Spaulding; Lula LeMay to Lula Mae Farmer; Harry Fountain Lucas (not changed); Winnifred Littlefield to Frances Eva Blair; Edna McGoff to Joyce Gerlach; Ina Nutter to Ina Bowen; Kate May Powell to Katherine Royce; Ernestine Palmer to Mary Ellen Reside; Rudolph Harlan Pierce to John Randolph Pierce; Richard Wright Putnam to Richard Wright Putnam; Doris R. Regan to Doris R. Cathcart; Elizabeth Smith to Elizabeth Lowell; Alice Isabella Underhill to Alice Underhill Harwood; Eugene C. Viseusi to Eugene Lorenzo Farr; George Burton Wells to Bernard Edgar Hadlock; Marion F. Wylie to Florence Marion Wylie; Lee Weeks to Lee Weeks Bemis.

Coös.

Coös County—Minnie Louise Brown to Margaret Louise DeCosta; Clifford Lyman Annis to Clifford Lyman Palmer; Nils Isakson to Nils Jackson; Clifford Wentworth to Clifford Thomas Verow; Rita Eva Johnson to Rita Eva Lyman; Margaret Grant to Margaret Reeves; Constance W. Jacobson to Constance W. Andresen; Earl C. Jacobson to Earl C. Andresen; Wesley Richard Young to Wesley Ariel Bullard; Helen Alice French to Marie Anne Cecilia Cote; Timothy J. Ameroe to Timothy J. Rowe; Mary Lettre to Mary Laughery Fournier; Un-named Boy to Leo Bisson; Addie Mae Howland to Addie Isabell Howland; Hulda Erlandsen to Hulda

Olivia Christiansen; Freida L. Fletcher to Freida Louise Thomas; George Ernest Paige to George Ernest Stone; Thomas Lynch to Thomas Bellefeuille.

From January, 1921, to January, 1923, the registers of probate returned to the secretary of state the following changes of names made by the superior court in divorce proceedings: By superior courts.

Rockingham County—Florence R. Richards to Florence Ruthella Williams; Alice A. Johnson to Alice A. Carlson; Mildred B. Montgomery to Mildred B. Wentworth; Beulah E. Brackett to Beulah Edmunds; Nora P. Stone to Nora P. Conlon; Perthenia A. Martin to Perthenia A. Wentworth; Mary H. Young to Mary H. Knowles; Eva M. Prime to Eva M. White; Jennie M. Sherry to Jennie M. Rousseau; Jennie G. Hastings to Jennie G. Read; Thelma R. White to Thelma R. Sylvia; Annie E. Leavitt to Annie E. Flint; Esther L. Kirby to Esther L. Task; Laura J. Smart to Laura J. Rutledge; Edith M. Barr to Edith M. Bickum; Marjorie W. Trueman to Marjorie W. Mitchell; Gladys C. Gardiner to Gladys C. Jones; Bertha E. LeClaire to Bertha E. Sargent; Elizabeth S. Soule to Elizabeth S. Kiltie; Helen R. Mareley to Helen R. Kinville. Rockingham.

Strafford County—Clytie M. Lacasse to Clytie M. Horne; Elizabeth Hatch to Elizabeth Jones; Wilhemine Roy to Wilhemine Cummings; Maud G. Wheeler to Maud G. Heath; Florence S. Salinardi to Florence Gorman; Neline Mae Beaudoin to Neline Mae Adams; Evelyn Meader Boyd to Evelyn Meader; Gladys Evelyn Andrews to Gladys Evelyn Miller; Catherine M. Annis to Catherine M. Caron; Maud B. Hamilton to Maud Bruce; Lucy Wagner to Lucy Court; Helen M. Jones to Helen M. Grant; Clara Etta French to Glara Etta Townsend; Harriet A. Colomy to Harriet A. Thayer; Mercie Clara Tryon to Mercie C. Warburton; Mary C. Dickerson to Mary C. Birmingham; Eliza M. Ordway to Eliza May Carr; Mildred Colprit to Mildred Hobby; Mary E. Bean to Mary Slater; Lillian Boivin to Lillian Rochelean. Strafford.

Belknap County—Evelyn E. Tufts to Evelyn E. Jones; Ruth W. Lynch to Ruth Elizabeth Woodward; Eva V. Wallace to Eva V. Vallier; Rose Annie Grant to Rose A. Croteau; Blanche L. Brock to Blanche L. Esty; Mary A. Bean to Mary A. Perkins; Lizzie L. Stetson Benson to Lizzie Lucia Stetson. Belknap.

Carroll County—Blanche L. McGilvary to Blanche L. Leavitt; Hazel M. Lord to Hazel M. Lamontagne; Agnes R. Wiggin to Agnes Winifred Robinson; Lottie McGraw to Lottie Drew; Jennie M. Angell to Jennie M. Spinney. Carroll.

Merrimack County—Caroline E. Francisco to Caroline E. Beebe; Maude E. Stingel to Maude E. Bailey; Eleanor B. Shepard to Merrimack.

Eleanor Bailey; Martha McLeod Hartz to Martha McLeod; Nathalie J. Jameson to Nathalie Jenness; Gertrude T. Robinson to Gertrude T. Lafortune; Viola Juanita Young to Viola Juanita Holmquist; Beatrice Elizabeth Bishop to Beatrice Elizabeth Lucier; Margaret Lilla Burnap to Margaret Lilla Gowing; Lillian M. Cross to Lillian M. Tupper; Edith Foley to Edith B. Collins; Ruth B. Langevain to Ruth E. Gibson; Katherine E. Rayno to Katherine E. Riggs; Mildred Evelyn Boyle to Mildred Evelyn Sanville; Leona I. Cutting to Leona I. Shurtleff; Julia M. Connors to Julia M. Proulx.

Hillsborough.

Hillsborough County—Anna M. Austin to Anna M. Drouin; Virginia E. Rourke to Virginia E. Cota; Eugenie Debier to Eugenie DeWalle; Orina Czywel to Orina Soltys; Clara Valade to Clara Pelletier; Rachel Flanders to Rachel Poisson; Mathilda Gelinas to Mathilda Moquin; Winona R. Austin to Winona R. Johonnett; Elizabeth V. Brooks to Elizabeth Buckley; Mary D. Etcher (alias Mary D. Dragon) to Mary D. O'Neil; Rose Ketcham to Rose Lachance; Mary Charlotte Bertha Gillespie to Mary Charlotte Bertha Baker; Leora E. Shattuck to Leora E. Brainerd; Rose A. Rheume to Rose A. LaBarre; Ruth B. Donnelly to Ruth Miller; Saima Lydia Doucette to Saima Lydia Bedders; Fannie Hakala Johnson to Fannie Hakala; Fredrika Wilhelmina Marquebreuk to Frederika Wilhelmina Klardie; Olga C. Hurd to Olga C. Olsen; Maria Casarino Buffeli to Maria Cassarino; Catherine L. Shaw to Catherine Lillian MacMillan; Lois L. Bedell to Lois L. Griffin; Nellie Emerson Keyes to Nellie Emerson Whitecomb; Maude Whittier Fielding to Maude S. Whittier; Alice Pike to Alice Norris; Luce Caron to Luce Charois; Harriet E. Hunter to Harriet E. Toomey; Beatrice Peterson to Beatrice Callaghan; Elise Lehman Coppez to Elise Lehman; Lucretia McDowell to Lucretia Driver; Minnie L. Redman to Minnie Lee Lister; Mary E. Bickford to Mary E. Shattuck; Blanche Barnaby to Blanche Bourbeau; Edith E. Colburn to Edith E. Blodgett; Hazel M. Martel to Hazel M. Purmort; Myrtle M. Carpenter to Myrtle M. Brown; Delia R. Fenerty to Delia Boudreau; Mary Jameson to Mary Lamoreux.

(1917, Dec. 14) Augusta M. Rogers to Augusta M. Conant.

Cheshire.

Cheshire County—Helen L. Cota to Helen Lucinda Wells; Mabel Lescord to Mabel Moors; Mary M. Sanborn to Mary M. Maynard; Florence Brooks Aten to Florence Brooks Ellwanger; Ellyn W. Bassette to Ellyn Elizabeth Whitehill; Rosa M. Harrington to Rosa M. Jeffs; Ethel S. Chickering to Ethel Atherton Spaulding.

Sullivan.

Sullivan County—Gladys Beatrice Greenwood to Gladys Beatrice Sanders; Dorothy Mildred Johnston to Dorothy Mildred Thrasher; Mabel Bertha Harvey to Mabel Bertha Kimball; Edith M. Blodgett to Edith M. Fowler; Ruth E. Wilson to Ruth Estella Stevens; Lottie I. Luman to Lottie I. Thompson; Margaret A. Villar to

Margaret Anne Whitter; Annie M. Fifield to Annie M. Stockwell; Helen Marcella Nichols to Helen Marcella Putnam; Marjorie Bowman Jordan to Marjorie Bowman.

Grafton County—Eva Della Pike to Eva Della Kelley; Carrie Grafton. A. Gardner to Carrie A. Taylor; Clara J. Brock to Clara J. Smith; Freda M. Stevens to Freda M. Wright; Mary T. Morrison to Mary Tupper; Nellie C. Sulham to Nellie C. Pennock; Anna Bean to Anna Way; Esther Faunce to Esther Elmer; Emma J. Waterman to Emma J. Lindberg; Maude J. Hanson to Maude J. Smith; Marion Wharem to Marion Calkins; Nellie M. Jarvenpaar to Nellie M. Williams; Gladys E. Knighton to Gladys E. Winslow; Evelyn Mossey to Evelyn Pollard; Anna J. Dugan to Anna J. Farrington; Jennie Morehouse to Jennie Beodzensky.

Coös County—Erna T. Holden to Erna T. Tillotson; Ida J. Coös. Myshrall to Ida J. Weymouth; Lucy Towle to Lucy Waldron; Laura Astle to Laura Reed; Lillian M. Smith to Lillian M. Van Ness; Eva M. Younkers to Eva M. D'Amour.

PRIVATE ACTS.

CHAPTER 169.

AN ACT TO LEGALIZE THE BIENNIAL ELECTION HELD ON THE SEVENTH DAY OF NOVEMBER, 1922, IN THE TOWN OF NEWBURY.

SECTION

1. Biennial election of Nov. 7, 1922, legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Biennial election of Nov. 7, 1922, legalized.

SECTION 1. That the votes and proceedings of the biennial election held on the seventh day of November, 1922, in the town of Newbury be and hereby are legalized and confirmed.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved January 31, 1923.]

CHAPTER 170.

AN ACT TO CHANGE THE CORPORATE NAME OF THE EXETER COTTAGE HOSPITAL.

SECTION

1. Name of Exeter Cottage Hospital changed to Exeter Hospital.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Name of Exeter Cottage Hospital changed to Exeter Hospital.

SECTION 1. That the corporate name of the Exeter Cottage Hospital, as established by chapter 206 of the Laws of 1907, be and hereby is changed to Exeter Hospital.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved February 16, 1923.]

CHAPTER 171.

AN ACT TO LEGALIZE THE BIENNIAL ELECTION HELD ON THE SEVENTH DAY OF NOVEMBER, 1922, IN THE TOWN OF AMHERST.

SECTION

1. Biennial election of Nov. 7, 1922, legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the votes and proceedings of the biennial election held on the seventh day of November, 1922, in the town of Amherst, be and hereby are legalized and confirmed. Biennial election of Nov. 7, 1922, legalized.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved February 16, 1923.]

CHAPTER 172.

AN ACT TO LEGALIZE THE BIENNIAL ELECTION HELD ON THE SEVENTH DAY OF NOVEMBER, 1922, IN THE TOWN OF BROOKLINE.

SECTION

1. Biennial election of Nov. 7, 1922, legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the votes and proceedings of the biennial election held on the seventh day of November, 1922, in the town of Brookline, be and hereby are legalized and confirmed. Biennial election of Nov. 7, 1922, legalized.

SECT. 2. This act shall take effect on its passage.

Takes effect on passage.

[Approved February 16, 1923.]

CHAPTER 173.

AN ACT LEGALIZING THE BIENNIAL ELECTION HELD IN THE TOWN OF
CHESTERFIELD ON NOVEMBER 7, 1922.

SECTION

1. Biennial election of Nov. 7, 1922,
legalized.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*Biennial election
of Nov. 7, 1922,
legalized.SECTION 1. That the votes and proceedings of the biennial elec-
tion held on the seventh day of November 1922, in the town of
Chesterfield, be and hereby are legalized, ratified and confirmed.Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved February 16, 1923.]

CHAPTER 174.

AN ACT TO LEGALIZE THE VOTES AND PROCEEDINGS OF THE TOWN OF
HOPKINTON AT THE BIENNIAL ELECTION HELD NOVEMBER 7, 1922.

SECTION

1. Biennial election of Nov. 7, 1922,
legalized.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*Biennial election
of Nov. 7, 1922,
legalized.SECTION 1. That the biennial election in the town of Hopkinton,
held November 7, 1922, and all votes and proceedings at said meet-
ing, be and the same are hereby legalized, ratified, and confirmed.Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved February 16, 1923.]

CHAPTER 175.

AN ACT TO LEGALIZE THE BIENNIAL ELECTION HELD ON THE SEVENTH
DAY OF NOVEMBER 1922 IN THE TOWN OF MARLOW.

SECTION

1. Biennial election of Nov. 7, 1922,
legalized.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. That the votes and proceedings of the biennial elec- Biennial election
tion held on the seventh day of November 1922, in the town of of Nov. 7, 1922,
Marlow, be and hereby are legalized and confirmed. legalized.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved February 16, 1923.]

CHAPTER 176.

AN ACT TO LEGALIZE THE BIENNIAL ELECTION HELD ON THE SEVENTH
DAY OF NOVEMBER 1922 IN THE TOWN OF WARREN.

SECTION

1. Biennial election of Nov. 7, 1922,
legalized.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. That the votes and proceedings of the biennial elec- Biennial election
tion held on the seventh day of November, 1922, in the town of of Nov. 7, 1922,
Warren, be and hereby are legalized and confirmed. legalized.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved February 16, 1923.]

CHAPTER 177.

AN ACT TO LEGALIZE THE BIENNIAL ELECTION HELD ON THE SEVENTH DAY OF NOVEMBER, 1922 IN THE TOWN OF EFFINGHAM.

SECTION

1. Biennial election of Nov. 7, 1922, legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Biennial election of Nov. 7, 1922, legalized.

SECTION 1. The votes and proceedings of the biennial election held on the seventh day of November, 1922, in the town of Effingham are hereby legalized and confirmed.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved February 22, 1923.]

CHAPTER 178.

AN ACT TO LEGALIZE THE BIENNIAL ELECTION HELD ON THE SEVENTH DAY OF NOVEMBER 1922, IN THE TOWN OF LANGDON.

SECTION 1. Biennial election of Nov. 7, 1922, legalized.

Be it enacted by the Senate and House of Representatives in General Court convened:

Biennial election of Nov. 7, 1922, legalized.

SECTION 1. That the votes and proceedings of the biennial election held on the seventh day of November, 1922, in the town of Langdon be and hereby are legalized and confirmed.

[Approved February 22, 1923.]

CHAPTER 179.

AN ACT RELATING TO THE ISSUE OF BONDS BY THE SCHOOL DISTRICT OF
THE TOWN OF HAMPTON.

SECTION

1. Hampton school district authorized to issue bonds for erection of school buildings, not exceeding \$10,000.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The school district of the town of Hampton is hereby authorized at any meeting called for that purpose to borrow upon the credit of said school district a sum not exceeding ten thousand dollars, in addition to the amount now allowed by general or special statutes, for the erection of school buildings, and to issue bonds or notes therefor at the lowest rate of interest obtainable.

Hampton school district authorized to issue bonds for erection of school buildings, not exceeding \$10,000.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved February 22, 1923.]

CHAPTER 180.

AN ACT TO AMEND THE CHARTER OF KEENE ACADEMY.

SECTION

1. Keene Academy to hold real and personal estate not exceeding \$120,000.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The second section of the charter of Keene Academy, as amended by chapter 232 of the Laws of 1907, is hereby amended by striking out the word "fifty" and substituting therefor the words one hundred twenty, so that said section as amended shall read as follows: SECT. 2. And be it further enacted that said corporation may establish an academy in the town of Keene in the county of Cheshire for the education of youth of both sexes, and their instruction in classical and useful knowledge and in all the branches of learning usually taught in academies; may erect and

Keene Academy to hold real and personal estate not exceeding \$120,000.

maintain suitable buildings therefor and may hold real and personal estate to any amount not exceeding thirty thousand dollars, which together with all gifts, donations, bequests, and legacies that have been, or may hereafter be given or bequeathed to said academy, and the interest, rents and profits of the same to be applied by the corporation in such manner as may best promote the interests of said institution; but said corporation may hold real and personal estate not exceeding one hundred twenty thousand dollars in excess of said sum of thirty thousand dollars, which together with the income thereof, may be used and applied by said corporation for the best interests of said institution in the discretion of the trustees or may be applied and paid over by said trustees for the purposes and under the conditions set forth in the decree of the superior court rendered at the April term 1905 of said court sitting at said Keene.

Takes effect on passage.

SECT. 2. This act shall take effect on its passage.

[Approved February 27, 1923.]

CHAPTER 181.

AN ACT TO LEGALIZE CERTAIN ACTS OF THE TOWN OF LITTLETON, AND
TO AUTHORIZE THE ISSUE OF TOWN BONDS.

SECTION

1. Proceedings at annual meeting of March 8, 1921, relative to Ammonoosuc River bridge; legalized.
2. Proceedings of meeting of March 14, 1922, ratifying acts in condemnation of A. N. Blandin land, legalized.

SECTION

3. Town authorized to issue bonds for \$150,000 to refund debt incurred in construction of Ammonoosuc River bridge.
4. Indebtedness incurred under act to be outside the limit fixed by Laws 1917, c. 129.
5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Proceedings at annual meeting of March 8, 1921, relative to Ammonoosuc River bridge, legalized.

SECTION 1. The action of the town of Littleton, at an annual meeting held March 8, 1921, relative to the location and construction of a highway bridge across the Ammonoosuc river, in said Littleton, and all acts done or performed under authority of said town action, and the authorization of the selectmen of the town to temporarily borrow money and issue notes therefor, on the credit of the town, to pay for the same, and to take up said notes by the

issuance of notes or bonds of the town, and all such borrowings by such selectmen, are hereby legalized, ratified and confirmed.

SECT. 2. The action of the town of Littleton, at an annual meeting held March 14, 1922, ratifying the acts of its selectmen in condemning land belonging to A. N. Blandin and others, to protect its water supply, and the authorization of said selectmen to temporarily borrow money and issue the notes of the town for the same, to pay the damages, interest, costs and other expenses incurred by said condemnation, and to issue the notes or bonds of the town to take up said temporary notes, and all such borrowings by the selectmen, are hereby legalized, ratified and confirmed.

Proceedings of meeting of March 14, 1922, ratifying acts in condemnation of A. N. Blandin land, legalized.

SECT. 3. The said town of Littleton is hereby authorized and empowered to raise, appropriate and borrow money, on the credit of the town, to the amount of \$150,000, in manner provided by law, and to issue its notes or bonds therefor, for the purpose of funding or refunding the indebtedness incurred on account of the location and construction of said bridge, the condemnation of said land, and an outstanding or floating indebtedness existing December 31, 1922, and not incurred thereafter, on account of its schools and other town charges, and any refundings of said indebtedness; the notes or bonds so issued to be payable serially, in annual payments, so that the amount of the annual payment in any year on account of any debt shall not be less than the amount of the principal payable in any subsequent year, and the last of said notes or bonds shall be paid and the entire obligation discharged not later than twenty years from the date of the issue thereof. The amount of each payment of principal, together with the interest on all debts, shall, without vote of the town, be annually assessed and collected. The said notes or bonds shall be signed by the selectmen, or majority of them, and countersigned by the treasurer of the town, and shall have the town seal affixed; with the right in said selectmen, or majority of them, to fix the rate of interest, designate the title of said notes or bonds, and to do all things necessary to borrow money on said notes, or to issue and sell said bonds. All notes or bonds issued under this act, in favor of *bona fide* holders, shall be conclusively presumed to have been duly and regularly authorized, and issued in accordance with the provisions herein contained, and no holder thereof shall be obliged to see to the existence of the purpose of issuing, or the regularity of any of the proceedings by virtue of which said notes or bonds are issued, or to the application of the proceeds of such issue.

Town authorized to issue bonds for \$150,000 to refund debt incurred in construction of Ammonoosuc River bridge.

SECT. 4. Indebtedness incurred under this act shall be reckoned as outside of the limit of indebtedness authorized by chapter 129, Laws of 1917.

Indebtedness incurred under act to be outside the limit fixed by Laws 1917, c. 129.

SECT. 5. This act shall take effect upon its passage.

Takes effect on passage.

[Approved February 27, 1923.]

CHAPTER 182.

AN ACT TO EXEMPT FROM TAXATION PROPERTY IN SUTTON HELD FOR
PUBLIC USE BY THE NORTH SUTTON IMPROVEMENT SOCIETY.

SECTION

1. Land purchased from Benjamin K. Coburn exempted from taxation for five years.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Land purchased from Benjamin K. Coburn exempted from taxation for five years.

SECTION 1. The land purchased by the North Sutton Improvement Society from Benjamin K. Coburn and held by said society for public use shall be exempt from taxation for the term of five years.

Takes effect on passage.

SECT. 2. This act shall take effect on its passage.

[Approved February 27, 1923.]

CHAPTER 183.

AN ACT AUTHORIZING THE ROCKINGHAM COUNTY LIGHT & POWER
COMPANY TO ISSUE PREFERRED STOCK AND FOR OTHER PURPOSES.

SECTION

1. Authority given to issue preferred stock in classes, and to change preferences, etc.
2. Corporation may bring itself within business corporation law, Laws, 1919, c. 92.

SECTION

3. Prior issue of stock confirmed and approved; non-liability of stockholders, officers, and directors after record of certificate.
4. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authority given to issue preferred stock in classes, and to change preferences, etc.

SECTION 1. The Rockingham County Light & Power Company, a corporation organized under chapter 147 of the Public Statutes and amendments thereto and having its principal place of business in Portsmouth in the county of Rockingham, is hereby authorized and empowered, from time to time, by vote or resolution of the holders of a majority of the shares of its capital stock outstanding and entitled to vote, present or represented by proxy and voting at a meeting of the stockholders duly called for the purpose, and having first obtained the approval of the public

service commission therefor, to create two or more kinds or classes of stock, of which one or more may be entitled or subject to such preferences, voting powers, restrictions and qualifications as may be specified and expressed in such vote or resolution; and said company is further authorized and empowered, from time to time, with the consent of the holders of the class or classes of stock affected, to change by like vote the preferences, voting power, restrictions and qualifications of any class or classes of stock now outstanding or hereafter issued.

SECT. 2. Said Rockingham County Light & Power Company may avail itself of the provisions of the Business Corporation Law, being chapter 92 of the Laws of 1919 as amended, and may bring itself and its stockholders, directors and officers under the provisions of said law so far as applicable, by vote of holders of two-thirds of its stock present or represented by proxy and voting at a meeting duly called for the purpose, adopting the provisions of said law, and by complying with the other provisions of this section. Said company shall cause a copy of the vote adopting the provisions of said law, attested by its clerk, to be recorded in the office of the secretary of state, together with a certificate signed and sworn to by its president and treasurer and at least a majority of its directors setting forth (a) the total amount of its capital stock authorized; (b) the amount of its stock issued and outstanding; (c) the net value of its property, rights and franchises in excess of its indebtedness; and (d) a balance sheet showing its assets and liabilities at the close of its preceding fiscal year. Said company shall also record with the secretary of state a supplementary statement of any other material facts which may be required by the attorney-general or the assistant attorney-general. It shall be the duty of the attorney-general or assistant attorney-general within thirty days after the filing of such certificate or supplementary statement, to examine the articles of association of said company, the copy of the vote adopting the provisions of said law, and the certificate and supplementary statement provided for by this section and if the facts therein stated show that the net value of the property, rights and franchises of said company in excess of its indebtedness at least equals the par value of its outstanding stock, he shall record his certificate thereof with the secretary of state. Said company shall thereupon pay to the secretary of state a certification fee determined by its total authorized capital stock at the rate prescribed in section 37 of said Business Corporation Law; and upon and after the payment of such fee, the said company, and its stockholders, officers and directors shall be entitled to the powers, privileges and immunities and be subject to the duties, liabilities and obligations provided by said Business Corporation Law and not otherwise, in all respects as if said company were organized under

Corporation may
bring itself within
business corpora-
tion law, Laws
1919, c. 92.

the provisions of said law on the date of such payment; *provided, however,* that any liability of such corporation or its stockholders, officers or directors or any of them existing on said date, under or by virtue of any other law or statute of this state, shall not be affected. Any person who shall subscribe or make oath to any certificate provided for by this section, which shall contain any false statement, known by such person to be false, shall upon conviction thereof be fined not exceeding five thousand dollars or imprisoned not exceeding five years or both, and shall also be individually liable to any stockholder of the corporation or other person for actual damages caused or sustained by reason of such false statement.

Prior issue of stock confirmed and approved; non-liability of stockholders, officers, and directors after recording of certificate.

SECT. 3. The issue of the present outstanding stock of said Rockingham County Light & Power Company, consisting of five hundred thousand dollars at par of preferred stock, so called, heretofore authorized by the public service commission, and one million dollars at par of common stock, is hereby confirmed and approved; and the stockholders, officers and directors of said company shall not be liable for any debts or contracts of said company after recording in the office of the city clerk of Portsmouth a certificate signed and sworn to by the treasurer and a majority of the directors of said company setting forth in substance that the net value of the property, rights and franchises of said company, in excess of its indebtedness at least equals the par value of its outstanding stock.

Repealing clause; takes effect on passage.

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect on its passage, except that nothing in this act shall be construed to change the existing law relating to the regulation, control or jurisdiction of the public service commission over said corporation as a public utility.

[Approved February 27, 1923.]

CHAPTER 184.

AN ACT AUTHORIZING THE TOWN OF RUMNEY TO RAISE MONEY BY
TAXATION FOR THE CARE OF CEMETERIES.

SECTION

1. Authority to raise money for care and improvement of certain cemeteries.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the town of Rumney be authorized to raise money by taxation for the care and improvement of the Highland, Pleasant View, Rumney Depot, and West Rumney cemeteries in said town and the lots within the same.

SECT. 2. This act shall take effect upon its passage.

Authority to raise money for care and improvement of certain cemeteries.
Takes effect on passage.

[Approved February 27, 1923.]

CHAPTER 185.

AN ACT RELATING TO THE ISSUE OF BONDS BY THE UNION SCHOOL
DISTRICT NO. 2 OF THE TOWN OF BRISTOL.

SECTION

1. Authorization of issuance of \$42,000 of bonds for school buildings.
2. Maturity of bonds; serial payments and payments of interest to be made by annual taxation.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Union School District of the town of Bristol is hereby authorized to borrow upon the credit of said school district a sum not exceeding forty-two thousand dollars (\$42,000) in addition to the amount now allowed by the general or special statutes, for the alteration, repairing, rebuilding and furnishing of its school building, or for the building and furnishing of a new school building.

SECT. 2. For the purposes set forth in section 1 of this act said district is hereby authorized to issue its notes or bonds at

Authorization of issuance of \$42,000 of bonds for school buildings.

Maturity of bonds; serial payments and payments of in-

terest to be made the lowest rate of interest obtainable therefor payable serially
by annual taxa- within a period not exceeding twenty years from date of their
tion. issue. The amount of each payment of principal together with
the interest on the indebtedness thus incurred to be assessed and
collected annually.

Takes effect on
passage.

SECT. 3. This act shall take effect upon its passage.

[Approved March 7, 1923.]

CHAPTER 186.

AN ACT AUTHORIZING THE TOWN OF CLAREMONT TO RENEW AND EXTEND ITS WATER BONDS.

SECTION

1. Authorization of extension of water
bonds for twenty years.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Authorization of
extension of water
bonds for twenty
years.

SECTION 1. That the town of Claremont be and hereby is au-
thorized to renew and extend, upon the same terms and subject
to the same conditions as originally written, the four per cent.
water supply bonds, amounting to one hundred fifty-eight thou-
sand two hundred twenty dollars, now outstanding and which
will become due July 1, 1923, for a further period of twenty
years, that is, until July 1, 1943; and the selectmen of said town
are hereby empowered to make all necessary arrangements and
contracts with the holders of said bonds for such extension and
renewal and for the payment of interest as it shall become due.

Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved March 7, 1923.]

CHAPTER 187.

AN ACT AUTHORIZING THE LANCASTER FIRE PRECINCT TO PAY CERTAIN
MONEYS TO UNION SCHOOL DISTRICT NO. 1 IN THE TOWN OF
LANCASTER.

SECTION

1. Authorization of payment to Union
School District for its outstand-
ing bonds.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. The Lancaster Fire Precinct is hereby authorized and empowered, by major vote of those qualified to vote and present and voting at any annual or special meeting of the voters of said precinct, to set aside, pay over and deliver to Union School District No. 1 in the town of Lancaster, so much of the receipts from its water system of said Lancaster Fire Precinct as said voters may, from time to time, hereafter determine, for the purpose of paying any outstanding bonds of said Union School District No. 1.

Authorization of
payment to Union
School District
for its outstand-
ing bonds.

SECT. 2. This act shall take effect on its passage.

Takes effect on
passage.

[Approved March 7, 1923.]

CHAPTER 188.

AN ACT TO ENABLE THE TOWN OF NEWPORT, NEW HAMPSHIRE, TO
REFUND ITS INDEBTEDNESS.

SECTION

1. Authorization of refunding of town
bonds to amount of \$60,000.

SECTION

2. Repealing clause; takes effect on
passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. The town of Newport is hereby authorized, for the purpose of refunding outstanding bonds against the town, to raise, appropriate and borrow money to an aggregate amount not exceeding sixty thousand dollars (\$60,000) and to issue its bonds therefor on the credit of the town. Said bonds shall be

Authorization of
refundng of town
bonds to amount
of \$60,000.

signed by the selectmen and countersigned by the treasurer of the town, and shall have the town seal affixed.

Said issue of bonds shall be due and payable at such times, not more than twenty years from their date of issue, and in such amounts, and in such manner as the board of selectmen and treasurer of said town may determine, at a rate of interest to be fixed by said board. All bonds issued by virtue of this act and signed and sealed as herein provided shall, in favor of *bona fide* holders, be conclusively presumed to have been duly and regularly authorized and issued in accordance with the provisions herein contained, and no holder thereof shall be obliged to see to the existence of the purpose of issuing, or to the regularity of any of the proceedings by virtue of which said bonds are issued or to the application of the proceeds of such issue.

Repealing clause;
takes effect on
passage.

SECT. 2. All acts inconsistent with this act are hereby nullified so far as this act may be concerned, and this act shall take effect upon its passage.

[Approved March 7, 1923.]

CHAPTER 189.

AN ACT TO AMEND AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE TRUSTEES OF THE NEW HAMPSHIRE CONFERENCE SEMINARY AND THE NEW HAMPSHIRE FEMALE COLLEGE, APPROVED DECEMBER 29, 1852, AND OTHER ACTS AMENDING THE SAME.

SECTION

1. Authorization of change of name to
Tilton School.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authorization of
change of name to
Tilton School.

SECTION 1. Amend section 1 of an act approved December 29, 1852, entitled An Act to establish a corporation by the name of the New Hampshire Conference Seminary and the New Hampshire Female College as amended by an act approved June 23, 1859 and chapter 198 of the Laws of 1903, so that the name of the corporation shall be Tilton School.

Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved March 7, 1923.]

CHAPTER 190.

AN ACT RELATING TO THE PRECINCTS IN THE CITY OF CONCORD.

SECTION

1. Authorization of abolition or change of precincts, except school districts and water precincts.

SECTION

2. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The city of Concord may, by vote of its board of aldermen, abolish any or all of the precincts now established wholly within its limits, or combine all of said precincts into one precinct and enlarge the same to become coextensive with the territorial limits of said city; *provided*, that nothing herein shall deprive the said board of aldermen of the right to determine the limits within which the precinct service shall be supplied; *provided, further*, that the said board of aldermen may continue the separate organization of any or all of the precincts so abolished or so combined for the purpose of paying off the bonds or notes of such precinct or precincts which may remain outstanding and unpaid at the time of such abolition or combination, such separate organization to continue only for such purpose and only until such time, in the case of each precinct, as the last bond or note so outstanding shall be paid or retired; *provided, further*, that nothing in this act shall apply to school districts or water precincts.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

[Approved March 8, 1923.]

CHAPTER 191.

AN ACT TO AUTHORIZE THE COUNTY OF HILLSBOROUGH TO ISSUE BONDS.

SECTION

1. Authorization of issue of \$200,000 of funding bonds.
2. Designation and execution of bonds; registration; sale of bonds.
3. Presumption in favor of *bona fide* holders.

SECTION

4. Temporary anticipatory loan.
5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authorization of
issue of \$200,000
of funding bonds.

SECTION 1. The county commissioners of Hillsborough county are hereby authorized to issue for and in behalf of said county serial coupon bonds to an extent not exceeding two hundred thousand dollars (\$200,000), for the purpose of funding a like amount of outstanding floating indebtedness now represented by various notes and any refundings or renewals of all or any portion thereof heretofore or hereafter made, and to reimburse the county treasury for any funds advanced therefrom temporarily to pay any portion of said floating indebtedness, pending the receipt of proceeds of bonds or notes authorized by this act. Said bonds shall be payable to bearer, shall be dated April 1, 1923, shall be in the denomination of one thousand (1,000) dollars each, shall mature twenty thousand (20,000) dollars on the first day of April of each of the years, 1924 to 1933 inclusive, shall bear interest at a rate not to exceed five (5) per cent. per annum, payable semiannually, and shall bear the county seal.

Designation and
execution of
bonds; registra-
tion; sale of
bonds.

SECT. 2. Each bond shall be designated Hillsborough County Funding Bond, shall be signed by the county commissioners or by a majority thereof, countersigned by the county treasurer, and bear on face a certificate of registration signed by the clerk of the superior court of said county. The coupons annexed shall bear the facsimile signature of the county treasurer. Said county commissioners may sell at less than par or at not less than par said bonds at public sale after publication of notice at least once each week for three successive weeks, the first publication being at least twenty-one days before the time of opening of bids, reserving, however, the right to reject any and all bids, and may sell at private sale all or any of said bonds not thus sold, at less than par or at not less than par. Other particulars as to the form, issuance and sale of said bonds not fixed herein or by vote of the commissioners may be determined by the county treasurer.

Presumption in
favor of *bona fide*
holders.

SECT. 3. Bonds and notes herein authorized purporting on face to be issued by virtue and in pursuance of this act, shall, in favor of *bona fide* holders be conclusively presumed to have been authorized and issued in accordance with provisions herein con-

tained; and no holder thereof shall be obliged to see to the application of the proceeds. The county shall annually raise by taxation a sum sufficient to pay the amounts of principal and interest of said bonds payable each year. Each bond and note issued under authority of this act shall be exempt from taxation imposed by New Hampshire laws.

SECT. 4. The county commissioners may in the name of the county make a temporary loan for a period of not more than one year in anticipation of the money to be derived from the sale of such bonds and may issue notes therefor, the proceeds of said notes to be applied to the payment of said floating indebtedness specified in section 1 herein, may renew or refund such notes from time to time by an issue of new notes maturing within said period fixed for said temporary borrowing, *provided* that the period from the date of issue of the original anticipatory note and the date of maturity of such renewal or refunding notes shall be not more than one year, and *provided, also*, that the period within which said bonds shall become due and payable shall not be extended, by reason of the making of such temporary loan, beyond the time fixed by section 1 of this act. Said notes may be in such form, may bear interest at such rate, or may be sold at such discount, as the county commissioners and the county treasurer may deem proper, discount to be treated as interest paid in advance.

Temporary anticipatory loan.

SECT. 5. This act shall take effect upon its passage.

Takes effect on passage.

[Approved March 8, 1923.]

CHAPTER 192.

AN ACT TO LEGALIZE THE ISSUE OF SERIAL NOTES OR BONDS OF THE COUNTY OF GRAFTON.

SECTION

1. Authorization of funding bonds to amount of \$40,000.
2. Rate of interest; exemption from taxation; execution of bonds.

SECTION

3. Acts of county officials in relation hereto ratified.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The county commissioners of Grafton county are hereby empowered, authorized and directed to issue for and in behalf of said county, serial notes or bonds to the amount of forty

Authorization of funding bonds to amount of \$40,000.

thousand dollars, for the purpose of funding a like amount of its outstanding floating indebtedness. Said notes or bonds shall be issued in conformity to the provisions of section 2 of chapter 129 of the Laws of 1917, covering a period of not exceeding fifteen years.

Rate of interest;
exemption from
taxation; execu-
tion of bonds.

SECT. 2. Said serial notes or bonds shall bear interest at not exceeding five per cent. and shall be exempt from taxation in New Hampshire, and shall be signed by the county commissioners or by a majority thereof, and countersigned by the county treasurer.

Acts of county
officials in rela-
tion hereto rati-
fied.

SECT. 3. All acts, proceedings, contracts and obligations done or made by the county treasurer or the county commissioners with reference to this issue of serial notes or bonds as authorized by vote of the Grafton county delegation, February 13, 1923, are hereby ratified and made legally binding upon said county.

Takes effect on
passage.

SECT. 4. This act shall take effect upon its passage.

[Approved March 20, 1923.]

CHAPTER 193.

AN ACT TO LEGALIZE THE BIENNIAL ELECTION HELD ON THE SEVENTH DAY OF NOVEMBER 1922 IN THE TOWN OF ALTON.

SECTION

1. Biennial election of Nov. 7, 1922, legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Biennial election
of Nov. 7, 1922,
legalized.

SECTION 1. That the votes and proceedings of the biennial election held on the seventh day of November, 1922, in the town of Alton be and hereby are legalized and confirmed.

Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved March 21, 1923.]

CHAPTER 194.

AN ACT IN AMENDMENT OF CHAPTER 305, LAWS OF 1909, ENTITLED
 "AN ACT TO REVISE THE CHARTER OF THE CITY OF CONCORD," AND
 CHAPTER 245, LAWS OF 1919, IN AMENDMENT THEREOF.

SECTION

1. Board of assessors; meeting; chairman; salary of clerk.
2. Board of aldermen may authorize board of assessors to employ assistants; compensation.

SECTION

3. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
 General Court convened:*

SECTION 1. Amend section 38 of chapter 305, Laws of 1909, as amended by chapter 245, Laws of 1919, by striking out said section and substituting therefor the following: SECT. 38. The board of assessors shall meet for taking their oaths of office and organization at three o'clock in the afternoon on the fourth Tuesday of January in the years 1911, 1912, and biennially thereafter. At such meeting they shall choose one of their number to act as chairman for a term of two years, except that the term of the chairman chosen in the year 1911 shall be one year. The member acting as clerk shall receive the sum of two thousand dollars annually, and the other members each the sum of twelve hundred dollars annually, in full for their services.

SECT. 2. Amend section 43 of chapter 305, Laws of 1909, by striking out said section and substituting therefor the following: SECT. 43. The board of aldermen may by ordinance authorize the board of assessors to employ assistants, not exceeding one in each ward, to aid in making the lists of ratable polls, such assistants to be employed at a compensation to be determined by the board of mayor and aldermen. It may also, by ordinance, authorize the employment of such clerical assistance as may be required by the board of assessors, and fix the amount to be expended for such assistance.

SECT. 3. This act shall take effect upon its passage.

Takes effect on
 passage.

[Approved March 21, 1923.]

CHAPTER 195.

AN ACT AUTHORIZING THE SCHOOL DISTRICT OF GORHAM TO INCUR INDEBTEDNESS TO A CERTAIN LIMITED AMOUNT FOR THE PURPOSE OF ACQUIRING LAND AND CONSTRUCTING THEREON AND EQUIPPING AND FURNISHING A HIGH SCHOOL BUILDING.

SECTION

1. Authorization of debt not exceeding \$75,000 in excess of amount allowed under Laws 1917, c. 129, s. 7.

SECTION

2. Authorizing hiring of money for above purposes.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authorization of debt not exceeding \$75,000 in excess of amount allowed under Laws 1917, c. 129, s. 7,

SECTION 1. For the purpose of acquiring land and constructing, furnishing and equipping a high school building thereon, the school district of Gorham is hereby authorized and empowered to incur debt to an amount not exceeding \$75,000 in excess of the amount permitted to be incurred by school districts under the provisions of section 7 of chapter 129 of the Laws of 1917.

Authorizing hiring of money for above purposes.

SECT. 2. For the purposes set forth in section 1 of this act, the school district of Gorham is hereby authorized and empowered to hire money at a rate not exceeding five per centum per annum and to issue its notes, bonds or other obligations therefor, payable serially within a period not exceeding twenty years from date of their issue as provided in sections 2 and 6 of chapter 129 of the Laws of 1917; the amount of each payment of principal together with the interest on the indebtedness thus incurred to be annually assessed and collected as provided in said section 2 of said chapter 129.

Takes effect on passage.

* SECT. 3. This act shall take effect upon its passage.

[Approved March 21, 1923.]

CHAPTER 196.

AN ACT IN AMENDMENT OF CHAPTER 268 OF THE LAWS OF 1889, ENTITLED, "AN ACT TO INCORPORATE THE WOODSVILLE GUARANTY SAVINGS BANK."

SECTION

1. Charter amended; special depositors to be members of corporation; board of trustees; powers of.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That section 5 of said act be stricken out, and that there be substituted in place thereof the following: SECT. 5. The special depositors for the guaranty fund and their assigns shall by virtue thereof become and be members of the corporation, and shall have and exercise all the rights and powers of the same, each special depositor being entitled to one vote for each one hundred dollars of his said deposit; but no member shall incur or be subject to any individual liability in any case for any debts or liabilities of the corporation. And the management and control of the affairs of the corporation shall be vested in a board of not less than five nor more than ten trustees, to be chosen by the members of the corporation. A majority of said board, at any meeting duly notified, shall constitute a quorum for the transaction of business. Said board shall have the power to make and establish such rules and regulations as they may think proper for the transaction of the business of the corporation.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved March 21, 1923.]

CHAPTER 197.

AN ACT TO AMEND THE CHARTER OF THE NASHUA PROTESTANT HOME
FOR AGED WOMEN.

SECTION

1. May hold property to amount not
exceeding \$200,000.

SECTION

2. Takes effect on passage; subject to
alteration, amendment, or repeal.*Be it enacted by the Senate and House of Representatives in
General Court convened:*May hold prop-
erty to amount
not exceeding
\$200,000.

SECTION 1. That section 2 of an act entitled "An Act to incorporate The Nashua Protestant Home for Aged Women," passed June session, 1877, and approved June 22, 1877, be and the same is hereby amended by striking out in section 2 of said act in the fifth line the word "one" and inserting in place thereof the word two, so that said section shall read: SECT. 2. Said corporation is hereby authorized to establish and maintain in the city of Nashua, an institution for the support and maintenance of aged protestant women, and for that purpose may take and hold real and personal estate, by donation, bequest, purchase or otherwise, to an amount not exceeding two hundred thousand dollars; and may sell, convey and dispose of the same at pleasure, and may erect and maintain such buildings and appurtenances as may be deemed necessary for the purposes of the corporation.

Takes effect on
passage; subject
to alteration,
amendment, or
repeal.

SECT. 2. This act shall take effect from its passage, and shall be subject to alteration, amendment, or repeal at the pleasure of the legislature.

[Approved March 21, 1923.]

CHAPTER 198.

AN ACT RELATING TO THE CHARTER OF THE GORDON-NASH LIBRARY IN
NEW HAMPTON.

SECTION

1. May hold property to amount not
exceeding \$150,000.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*May hold prop-
erty to amount
not exceeding
\$150,000.

SECTION 1. The charter of the Gordon-Nash Library of New Hampton granted by chapter 193 of the Laws of 1887, as amended by chapter 175 of the Laws of 1895, and as amended by chapter

339 of the Laws of 1913, is hereby amended by inserting the word fifty after the word "hundred" in section 2, so that said section as amended shall read: SECT. 2. Said corporation shall have power to hold by devise, grant, purchase, or otherwise, real and personal estate, not exceeding one hundred fifty thousand dollars in value.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved March 21, 1923.]

CHAPTER 199.

AN ACT TO INCORPORATE THE MONADNOCK CLUB OF TROY, NEW HAMPSHIRE.

SECTION

1. Monadnock Club of Troy, N. H., incorporated.
2. Corporate powers.
3. Board of directors.
4. By-laws; choosing of officers; duties of.
5. Membership in corporation.

SECTION

6. Power to contract for establishing a home.
7. Bonds donated to be cancelled and not reissued.
8. Alteration and amendment of charter.
9. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That Joseph W. Jordan, Warren C. Brown, Leslie C. Brown, John F. Lahiff, George H. Jordan, Eugene Gilbo, Joseph F. Hawkins, Fred P. Caron, Richard J. Jordan, Henry E. Brown and James Fletcher, all of Troy, be and they are hereby constituted a corporation by the name of the Monadnock Club of Troy, N. H. and they and such others as shall be duly elected members of said corporation shall be and remain a body corporate by said name from the passage of this act for the purpose of obtaining and furnishing a home or building for the use of the Monadnock Club of Troy, N. H.

Monadnock Club of Troy, N. H., incorporated.

SECT. 2. Said corporation, by that name, may sue and be sued, prosecute and defend to final judgment and execution, and shall have power to take, acquire, and hold real and personal estate to an amount not exceeding fifty thousand dollars for the purpose of maintaining, providing and furnishing a home for said corporation.

Corporate powers.

SECT. 3. The conduct of the affairs of said corporation shall be vested in a board of directors to be elected by said corporation in accordance with the by-laws.

Board of directors.

By-laws; choosing
of officers; duties
of.

SECT. 4. Said corporation may adopt such by-laws and make such rules and regulations as may be deemed necessary, may determine the number, time and manner of choosing its officers, prescribe and define their respective duties, and may from time to time alter, amend, and modify its by-laws, rules and regulations as therein provided.

Membership in
corporation.

SECT. 5. All persons now members of said Monadnock Club of Troy, N. H. and all persons hereafter duly elected members of said Monadnock Club, shall thereupon become members of said corporation, and any person who shall cease to be a member of said Monadnock Club, shall thereupon cease to be a member of said corporation, and in that event all his rights in said corporation shall cease, and any office which he may hold in said corporation shall become vacant.

Power to contract
for establishing a
home.

SECT. 6. The said corporation shall have the right to contract for the purpose of establishing a home for said Monadnock Club of Troy, N. H., and may sell, dispose of, mortgage, or encumber said real estate by mortgage deed to secure its notes, bonds, or other evidences of indebtedness.

Bonds donated to
be cancelled and
not reissued.

SECT. 7. If said corporation executes a mortgage to secure its bonds, it may receive said bonds from any of the holders thereof as a donation, but in that case the said bonds shall be cancelled and not reissued.

Alteration and
amendment of
charter.

SECT. 8. The legislature may alter and amend this act when the public good requires.

Takes effect on
passage.

SECT. 9. This act shall take effect upon its passage.

[Approved March 21, 1923.]

CHAPTER 200.

AN ACT TO AUTHORIZER THE TOWN OF LEBANON TO INCREASE ITS BONDED DEBT.

SECTION

1. Town of Lebanon authorized to incur indebtedness not to exceed \$300,000 for municipal buildings.

SECTION

2. Bonds authorized; exemption from taxation; interest.
3. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Town of Lebanon
authorized to
incur indebted-
ness not to ex-
ceed \$300,000

SECTION 1. The town of Lebanon is hereby authorized to incur indebtedness in an amount not exceeding three hundred thousand dollars (\$300,000) in addition to the amount now allowed by the

General or Public Statutes and special statutes, and to issue bonds for municipal buildings to the full extent of the limit thus established, or for any portion thereof, for the construction and equipment of a municipal building or buildings for town hall, court room and other purposes.

SECT. 2. Said bonds may be issued in such denominations and upon such terms as the town of Lebanon may determine at any meeting duly called for that purpose, and the same shall be exempt from taxation when owned by residents of New Hampshire, *provided* they do not bear interest at a rate exceeding five per cent. per annum.

Bonds authorized; exemption from taxation; interest.

SECT. 3. This act shall take effect upon its passage.

Takes effect on passage.

[Approved March 27, 1923.]

CHAPTER 201.

AN ACT TO LEGALIZE THE VOTE AND ACTION OF THE GRAFTON COUNTY DELEGATION HELD ON THE SEVENTH DAY OF MARCH, 1923.

SECTION

1. Vote of Grafton county delegation of March 7, 1923, appropriating \$20,000 for court-house at Lebanon, legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the vote and action taken by the Grafton county delegation, at a meeting held on March seventh, 1923, on the following resolution, be and hereby are legalized and confirmed:

“Resolved, That for the purposes of providing accommodations for the superior court holden at Lebanon in the county of Grafton, said county hereby appropriates \$20,000 to be raised in sums of \$4,000 each year for five years, beginning with the year 1923, and that the same be paid to the town of Lebanon as raised by said county upon the order of the county commissioners, provided said town of Lebanon shall build and furnish suitable rooms and equipment in the town hall building, so called, which is to be erected in said Lebanon, and furnish them to said county for court and county purposes as long as terms of superior court are held in said Lebanon, and provided, further, that said town shall properly heat and light said court rooms free of charge to said county, said rooms to be finished and furnished in a manner satisfactory to a committee consisting of the county commissioners and two members of the

Vote of Grafton county delegation of March 7, 1923, appropriating \$20,000 for court-house at Lebanon, legalized.

county convention to be appointed by the chairman of the convention, and *provided further* that said town of Lebanon shall at all times carry \$20,000 of insurance to protect said county in its investment as above stated, payable to said county of Grafton in case of loss by fire as its interest may appear; and *provided further* that said town of Lebanon pass a legal vote accepting said \$20,000 for the purposes and upon the conditions herein mentioned.”

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved March 29, 1923.]

CHAPTER 202.

AN ACT RELATING TO OPEN AIR CONCERTS IN THE CITY OF MANCHESTER.

SECTION

1. Manchester authorized to appropriate \$1,000 for open air concerts.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Manchester authorized to appropriate \$1,000 for open air concerts.

SECTION 1. Amend section 1, chapter 258, Laws of 1893, by striking out in line two the words “four hundred” and inserting in place thereof the words one thousand, so that said section as amended shall read as follows: SECTION 1. The city of Manchester is hereby authorized to appropriate a sum not exceeding one thousand dollars annually for the purpose of providing a series of open air concerts for the benefit of the citizens of said city, said money to be expended under the direction of the board of mayor and aldermen.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 5, 1923.]

CHAPTER 203.

AN ACT LEGALIZING THE VOTES AND PROCEEDINGS OF THE TOWN MEETINGS HELD IN LEBANON IN MARCH 1923 RELATIVE TO ISSUING BONDS.

SECTION

1. Vote of March 31, 1923, relative to issuing bonds aggregating \$250,000 for town hall, legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The action of the town of Lebanon at the annual meeting held on March 13, 1923 and the vote and action of the town of Lebanon at the adjourned annual meeting held March 31, 1923 relative to issuing bonds to the aggregate amount of two hundred fifty thousand dollars for the purpose of raising money for the construction of a town hall in said town, are hereby ratified, confirmed and legalized, and said town is hereby authorized to issue said bonds or such portion thereof as may be required, in the manner and upon the terms as provided in said vote relating thereto as passed at said meeting.

Vote of March 31, 1923, relative to issuing bonds aggregating \$250,000 for town hall, legalized.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved April 12, 1923.]

CHAPTER 204.

AN ACT IN AMENDMENT OF THE CHARTER OF THE TRUSTEES OF THE ORPHANS' HOME OF CONCORD, APPROVED JUNE 26, 1874, AS AMENDED BY AN ACT APPROVED MARCH 10, 1897, AND IN AMENDMENT OF "AN ACT TO EXEMPT THE ORPHANS' HOME OF CONCORD, NEW HAMPSHIRE, FROM TAXATION."

SECTION

1. Name of Orphans' Home of Concord, changed to Coit House.

SECTION

2. Property exempted from taxation.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 1 of chapter 168, Laws of 1874, as amended by section 1, chapter 177, Laws of 1897, by striking out the words "Orphans' Home" wherever they appear in said section, and inserting in place thereof the words Coit House; so that said section as amended shall read as follows: SECTION 1. That William W. Niles, Henry A. Coit, Joseph H. Coit, Josiah Minot,

Name of Orphans' Home of Concord, changed to Coit House.

Albert R. Hatch, and their associates, are hereby incorporated and made a body politic, under the name of the Trustees of the Coit House at Concord. Said corporation may take, hold and manage such property as may be obtained, by donation or otherwise, not exceeding two hundred and fifty thousand dollars, for the purpose of maintaining, educating, or otherwise aiding children who have lost one or both parents, or are otherwise destitute, and of aiding or supporting aged clergymen and their families, the families of deceased clergymen, and other worthy persons, and also of aiding or supporting persons devoted to such charitable works as the nursing and relief of the sick and the care and teaching of indigent young children. They may also receive all such minor children as may be bound to them under indenture by their surviving parent or guardian according to the laws of this state relating to master and apprentice, and shall have the same rights, and be subject to the same liabilities, in regard to children so bound as other masters may lawfully have.

Property exempted from taxation.

SECT. 2. Amend section 1 of chapter 386, Laws of 1913, by striking out the entire section and inserting in place thereof a new section to read as follows: SECTION 1. The Trustees of the Coit House at Concord, New Hampshire, being a charitable institution without profit to any person, the property thereof is hereby exempt from taxation so long as and to the extent that said property is used for the purposes for which said institution is incorporated.

Takes effect on passage.

SECT. 3. This act shall take effect upon its passage.

[Approved April 12, 1923.]

CHAPTER 205.

AN ACT TO AUTHORIZE THE COUNTY OF COOS TO ISSUE NOTES.

SECTION

1. Coos county commissioners authorized to issue notes not exceeding \$50,000 to fund floating indebtedness.
2. Notes, how to be executed.

SECTION

3. Notes valid in hands of *bona fide* holders; interest to be raised by taxation; exemption of notes from taxation.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Coos county commissioners authorized to issue notes not exceeding

SECTION 1. The county commissioners of Coos county are hereby authorized to issue for and in behalf of said county notes to an extent not exceeding fifty thousand dollars (\$50,000) for

the purpose of funding a like amount of outstanding floating indebtedness now represented by various notes and any refundings or renewals of all or any portion thereof heretofore or hereafter made, and to reimburse the county treasury for any funds advanced therefrom temporarily to pay any portion of said floating indebtedness, pending the receipt of proceeds of notes authorized by this act. Said notes shall be payable twenty-five thousand dollars (\$25,000) January 1, 1924, and twenty-five thousand dollars (\$25,000) January 1, 1925, and shall bear interest at a rate not to exceed five (5) per cent. per annum, payable semi-annually.

SECT. 2. Each note shall be signed by the county commissioners or by a majority thereof, countersigned by the county treasurer, and bear on face a certificate of registration signed by the clerk of the superior court of said county.

SECT. 3. Notes herein authorized purporting on face to be issued by virtue and in pursuance of this act, shall, in favor of *bona fide* holders be conclusively presumed to have been authorized and issued in accordance with provisions therein contained; and no holder thereof shall be obliged to see to the application of the proceeds. The county shall annually raise by taxation a sum sufficient to pay the amounts of principal and interest of said notes payable each year. Each note issued under authority of this act shall be exempt from taxation imposed by New Hampshire laws.

SECT. 4. This act shall take effect upon its passage.

[Approved April 12, 1923.]

CHAPTER 206.

AN ACT AUTHORIZING THE ENFIELD VILLAGE FIRE DISTRICT TO RENEW AND EXTEND ITS WATER BONDS.

SECTION

1. Enfield Village Fire District authorized to extend its bonds due July 1, 1923, to July 1, 1933; rate of interest may be 5%; payments on principal.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the Enfield Village Fire District be and is hereby authorized to renew and extend, upon the same terms and

\$50,000 to fund floating indebtedness.

Notes, how to be executed.

Notes valid in hands of *bona fide* holders; interest to be raised by taxation; exemption of notes from taxation.

Takes effect on passage.

Enfield Village Fire District authorized to

extend its bonds
due July 1, 1923,
to July 1, 1933;
rate of interest
may be 5%;
payments on
principal.

conditions (except as to interest) as originally written, the three and one-half per cent. water supply bonds amounting to seventeen thousand dollars (\$17,000) now outstanding and which will become due July 1, 1923, for a further period of ten years, that is, until July 1, 1933; and the commissioners of said fire district are hereby empowered to make all necessary arrangements and contracts with the holders of said bonds for such extension and renewal, and for the payment of interest not exceeding an annual rate of five per cent., as it shall become due. Payment on the principal of said bonds shall be made annually in equal amounts in such sums that the total amount of such payments shall be sufficient to extinguish the debt on account of which said bonds are issued at maturity, and the first payment shall be made not later than two years after the date of the issuance of said bonds.

Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 12, 1923.]

CHAPTER 207.

AN ACT TO LEGALIZE THE MARCH MEETING HELD ON THE THIRTEENTH DAY OF MARCH 1923 IN THE TOWN OF CLARKSVILLE.

SECTION

1. Town meeting of March 13, 1923,
legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Town meeting
of March 13,
1923, legalized.

SECTION 1. That the votes and proceedings of the March meeting held on the thirteenth day of March, 1923 in the town of Clarksville be and hereby are legalized and confirmed.

Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 12, 1923.]

CHAPTER 208.

AN ACT LEGALIZING THE ANNUAL SCHOOL DISTRICT MEETING FOR THE
TOWN OF HOLDERNESS ON THE THIRTEENTH DAY OF MARCH, 1923.

SECTION

1. Town meeting of March 13, 1923,
legalized.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. That all votes and proceedings passed at the annual Town meeting
school meeting for the town of Holderness holden on the thir- of March 13,
teenth day of March, 1923, be and hereby are legalized and con- 1923, legalized.
firmed.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved April 12, 1923.]

CHAPTER 209.

AN ACT TO LEGALIZE THE TOWN ELECTION HELD ON THE THIRTEENTH
DAY OF MARCH, 1923, IN THE TOWN OF TUFTONBORO.

SECTION

1. Town meeting of March 13, 1923,
legalized.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. That the votes and proceedings of the town elec- Town meeting of
tion held on the thirteenth day of March, 1923, in the town of March 13, 1923,
Tuftonboro, be and hereby are legalized and confirmed. legalized.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved April 12, 1923.]

CHAPTER 210.

AN ACT LEGALIZING CERTAIN PROCEEDINGS AT THE ADJOURNED MEETING OF THE TOWN OF ASHLAND, MARCH 17, 1923.

SECTION

1. Vote of town in relation to soldiers' memorial legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Vote of town in relation to soldiers' memorial legalized.

SECTION 1. The action taken at the adjourned meeting of the town of Ashland March 17, 1923, whereby it was voted that the \$5,000 already raised and appropriated for the soldiers' memorial be given the Ezra Dupuis Post No. 15, American Legion with the stipulation that should the Post not be able to continue in charge of it that the memorial will pass into the charge of the town of Ashland to be kept as a perpetual memorial, is hereby legalized, ratified and confirmed and the selectmen of said town of Ashland are hereby authorized to pay five thousand dollars to the Ezra Dupuis Post No. 15, American Legion.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 20, 1923.]

CHAPTER 211.

AN ACT TO AUTHORIZE THE SCHOOL DISTRICT OF THE TOWN OF CLAREMONT TO RAISE MONEY AT A SPECIAL MEETING THEREOF.

SECTION

1. Claremont school district authorized to raise and appropriate not exceeding \$60,000 at special meeting.

SECTION

2. Vote at such meeting not to be subject to provisions of general school law.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Claremont school district authorized to raise and appropriate not exceeding \$60,000 at special meeting.

SECTION 1. The school district of the town of Claremont, for the purpose of erecting and equipping a schoolhouse, is hereby authorized to raise, appropriate and borrow money to an amount not exceeding sixty thousand dollars (\$60,000) at a special meeting of the qualified voters thereof legally warned and called, and to be holden on or before the thirtieth day of June, 1923, by a majority vote of the qualified voters present and voting at said meeting.

SECT. 2. Section 3 (a), part V, chapter 85, Laws of 1921, shall not apply to any vote that may be passed by said meeting.

SECT. 3. This act shall take effect upon its passage.

[Approved April 20, 1923.]

Vote at such meeting not to be subject to provisions of general school law.

Takes effect on passage.

CHAPTER 212.

AN ACT TO LEGALIZE THE ANNUAL MEETING OF THE CONWAY VILLAGE FIRE DISTRICT HELD ON THE TWENTY-SIXTH DAY OF MARCH, 1923.

SECTION

1. Conway Village fire district meeting legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the votes and proceedings of the annual meeting of the Conway Village Fire District held on the twenty-sixth of March, 1923, be and hereby are legalized and confirmed.

SECT. 2. This act shall take effect upon its passage.

Conway Village fire district meeting legalized.

Takes effect on passage.

[Approved April 20, 1923.]

CHAPTER 213.

AN ACT IN AMENDMENT OF CHAPTER 177, LAWS OF 1885, AS AMENDED BY CHAPTER 199 OF THE LAWS OF 1895, CHAPTER 153 OF THE LAWS OF 1897, CHAPTER 199 OF THE LAWS OF 1899, AND CHAPTER 182 OF THE LAWS OF 1901, BEING THE CHARTER OF THE MANCHESTER TRACTION, LIGHT & POWER COMPANY.

SECTION

1. Charter amended as to issuance of stock, etc.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The charter of the Manchester Traction, Light & Power Company as contained in the several acts enumerated in

Charter amended as to issuance of stock, etc.

the title hereof, said corporation having originally been incorporated under the name of "American Typographic Company" (chapter 177, Laws of 1885) and at one time known as "American Manufacturing Company" (chapter 199, Laws of 1895), is hereby amended by striking out all of section 9 of said charter as originally enacted in chapter 177, section 9, of the Laws of 1885 and amended by chapter 199, section 2, of the Laws of 1899, and substituting the following instead thereof: SECT. 9. The capital stock of said company may be established at any sum not exceeding five millions of dollars, divided into shares of the par value of one hundred dollars each, and may from time to time with the authority of the public service commission, for any corporate purpose approved by said commission, be increased to such amount, either within or in excess of said sum of five million dollars, as may be authorized by vote of the holders of a majority of the stock outstanding and entitled to vote and present or represented by proxy and voting at any meeting of the corporation duly called for that purpose; and said company may by like vote divide its capital stock into different classes of shares, giving to any class such preferences, restrictions or disabilities in liquidation and in respect to dividends, voting power and otherwise as it may deem expedient. It may acquire by purchase, concession, lease or otherwise, real and personal estate for any purpose germane to its authorized business, and manage and dispose of the same at pleasure. It may, subject to such approval of the public service commission as may be required by law, issue its bonds or notes and secure the same by mortgage or trust deed, and may purchase and hold the stock and endorse and guarantee the payment of the bonds or notes of other corporations to an amount not exceeding its capital stock.

Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 20, 1923.]

CHAPTER 214.

AN ACT TO LEGALIZE THE VOTE AND PROCEEDINGS AT THE ANNUAL TOWN MEETING HOLDEN IN COLEBROOK, MARCH 1921, RELATING TO EXEMPTION FROM TAXATION OF DR. KERR'S HOSPITAL.

SECTION

1. Vote of Colebrook exempting Kerr hospital legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the votes and proceedings of the annual town meeting held on the second Tuesday in March, 1921, in the town of Colebrook, relating to the exemption from taxation of the private hospital owned and conducted by Dr. Kerr in Colebrook, be and hereby are legalized and confirmed.

Vote of Colebrook exempting Kerr hospital legalized.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved April 20, 1923.]

CHAPTER 215.

AN ACT TO AUTHORIZE THE WOODSVILLE FIRE DISTRICT OF THE TOWN OF HAVERHILL TO EXCEED ITS LIMIT OF BONDED INDEBTEDNESS AS FIXED BY CHAPTER 129, LAWS OF 1917, AND TO ISSUE SERIAL NOTES OR BONDS.

SECTION

1. Woodsville fire district authorized to issue \$25,000 of bonds to improve its electric light plant.
2. Commissioners of district authorized to issue notes or bonds to above amount.

SECTION

3. Interest on loan; bonds to be exempted from taxation; how bonds or notes to be executed.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The Woodsville Fire District of the town of Haverhill is hereby authorized to incur indebtedness in an amount not exceeding twenty-five thousand dollars for the purpose of improving its electric light plant; said amount to be in addition to the amount already authorized by chapter 129, Laws of 1917.

Woodsville fire district authorized to issue \$25,000 of bonds to improve its electric light plant.

Commissioners of district authorized to issue notes or bonds to above amount. SECT. 2. The commissioners of the Woodsville Fire District are hereby empowered, authorized and directed to issue for and in behalf of said district serial notes or bonds to the amount of twenty-five thousand dollars for the purpose of improving its electric light plant. Said notes or bonds shall be issued in conformity to the provisions of chapter 129, of the Laws of 1917, covering a period of not exceeding fifteen years.

Interest on loan; bonds to be exempted from taxation; how bonds or notes to be executed. SECT. 3. Said serial notes or bonds shall bear interest at not exceeding five per cent. and shall be exempt from taxation in New Hampshire, and shall be signed by the district commissioners or by a majority thereof and countersigned by the district treasurer.

Takes effect on passage. SECT. 4. This act shall take effect upon its passage.

[Approved April 20, 1923.]

CHAPTER 216.

AN ACT TO LEGALIZE CERTAIN ACTS OF THE BETHLEHEM VILLAGE PRECINCT AND TO AUTHORIZE THE PRECINCT TO ISSUE BONDS TO REFUND OUTSTANDING WATER BONDS.

SECTION

1. Vote of Bethlehem Village precinct refunding water bonds by loan of \$30,000 legalized.

SECTION

2. Precinct authorized to procure loan for above purpose.
3. Takes effect on passage

Be it enacted by the Senate and House of Representatives in General Court convened:

Vote of Bethlehem Village precinct refunding water bonds by loan of \$30,000 legalized.

SECTION 1. The action of the Bethlehem Village Precinct, at an annual meeting thereof held March 24, 1923, by which the precinct voted to authorize its commissioners to borrow money on the credit of the precinct in the sum of \$30,000, and to issue its notes or bonds therefor, for the purpose of refunding its outstanding water bonds of September 1, 1903, due September 1, 1923, in the sum of \$30,000, is hereby legalized, ratified and confirmed.

Precinct authorized to procure loan for above purpose.

SECT. 2. The said Bethlehem Village Precinct is hereby authorized and empowered to borrow money, on the credit of the precinct to the amount of \$30,000, either under the action of the said meeting of the precinct March 24, 1923, or by a two-thirds vote of the voters present and voting at any annual or special meeting of the precinct hereafter, duly warned of the purpose, and to

issue its notes or bonds therefor, for the purpose of refunding its outstanding water bonds of September 1, 1903, due September 1, 1923 in the sum of \$30,000; the notes or bonds so issued to be payable serially, in annual payments, so that the amount of the annual payment in any year on account of said indebtedness shall not be less than the amount of the principal payable in any subsequent year, and the last of said notes or bonds shall be paid and the entire obligation discharged not later than twenty years from the date of issue thereof. The amount of each payment of principal, together with the interest on said indebtedness, shall, without vote of the precinct, be annually assessed and collected. The said notes or bonds shall be signed by the precinct commissioners, or a majority of them, and countersigned by the treasurer of the precinct, and shall have the seal of the precinct affixed thereto; with the right in said commissioners to fix the time and place of payment, rate of interest, designate the title of said notes or bonds, and to do all things necessary to borrow money on said notes, or to issue and sell said bonds. All notes or bonds issued under this act, in favor of *bona fide* holders, shall be conclusively presumed to have been duly and regularly authorized, and issued in accordance with the provisions herein contained, and no holder thereof shall be obliged to see to the existence of the purpose of issuing, or the regularity of any of the proceedings by virtue of which said notes or bonds are issued, or to the application of the proceeds of such issue.

SECT. 3. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved April 27, 1923.]

CHAPTER 217.

AN ACT ENABLING THE TOWN OF OSSIPÉE TO EXEMPT FROM TAXATION
CERTAIN PROPERTY IN THAT TOWN TO BE USED FOR HOTEL PURPOSES.

SECTION

1. Hotel property in Ossipee may be
exempted from taxation.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. The town of Ossipee may by vote exempt from taxation any buildings which may hereafter be erected on the land upon which the "Carroll Inn" stood while the same are used

Hotel property
in Ossipee may
be exempted
from taxation.

for hotel purposes, for a term not exceeding ten years from the date when the erection of said hotel buildings shall be begun; *provided, further*, that the selectmen of said town shall annually appraise such hotel property and the valuation determined upon for the same shall be added to the valuation of all other property in the town of Ossipee in determining the total valuation for the purposes of state and county tax.

Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 27, 1923.]

CHAPTER 218.

AN ACT RELATING TO THE ISSUE OF BONDS BY THE SCHOOL DISTRICT OF THE TOWN OF SALEM.

SECTION

1. Salem school district authorized to issue bonds to amount of \$70,000 for erection of school buildings.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Salem school district authorized to issue bonds to amount of \$70,000 for erection of school buildings.

SECTION 1. The school district of the town of Salem is hereby authorized at any meeting called for that purpose, to borrow upon the credit of said school district a sum not exceeding seventy thousand dollars, in addition to the amount now allowed by general or special statutes, for the erection of school buildings, and to issue bonds or notes therefor at the lowest rate of interest obtainable.

Takes effect on
passage.

SECT. 2. This act shall take effect upon its passage.

[Approved April 27, 1923.]

CHAPTER 219.

AN ACT IN AMENDMENT OF THE CHARTER OF THE CITY OF SOMERS-
WORTH.

SECTION

1. Somersworth school board to con-
sist of ten members.

SECTION

2. Mayor to be member of school
board.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Amend section 20, chapter 171, Laws of 1893 by striking out the word "nine" in the fourth line and substituting in place thereof the word ten, so that said section as amended shall read as follows: SECT. 20. The general management and control of the public schools in said city, and of the buildings and other property pertaining thereto, shall be vested in a school board consisting of ten members, who shall have the powers, perform the duties, and be subject to liabilities pertaining to school boards of towns, except wherein a different intention appears; but all bills, notes, and demands made or contracted for school purposes shall be paid from the city treasury.

Somersworth
school board to
consist of ten
members.

SECT. 2. Amend section 21, chapter 171, Laws of 1893 by inserting before the word "said" in the first line the following: The mayor of said city shall, *ex officio*, be a member of said school board, with full power and authority as a member thereof. The remaining nine members of, so that said section as amended shall read as follows: SECT. 21. The mayor of said city shall, *ex officio*, be a member of said school board, with full power and authority as a member thereof. The remaining nine members of said school board shall be elected in the following manner: At the first municipal election after the passage of this act there shall be chosen in each ward, by ballot and by plurality of votes, one person to be a member of said board; and any resident of said city shall be eligible for election by any ward. In order that one third of the members shall be chosen each year, the member first chosen by Ward One shall hold said office one year, and at the second annual election said ward shall elect one member for a term of three years, and also at every third annual election thereafter; the members first chosen by Wards Two, Three, and Four shall hold said office two years, and said wards shall elect each one member for the term of three years at the third annual election, and also at every third annual election thereafter; the member first chosen by Ward Five shall hold said office three years, and said ward shall elect one member for three years at every third annual election thereafter. The city councils shall, between the third Tuesday and the last day of

Mayor to be
member of
school board.

March next after the passage of this act, in convention, elect two persons to serve for one year and two persons to serve for three years; and one year thereafter they shall elect two persons for three years, and every second and third year thereafter the city councils shall elect two persons to serve for three years. The persons so chosen by said wards and city councils shall be residents of said city and shall constitute said school board, and their terms of office shall commence on the first Tuesday of April next after their respective elections. In case of a vacancy in the representation of any ward, the city councils shall, in convention, fill such vacancy until the next annual municipal election, when the same shall be filled by the ward in which said vacancy shall occur; but in case of a vacancy in the number chosen by the city councils, the said city councils shall, in convention, fill said vacancy for the unexpired term.

[Approved April 27, 1923.]

CHAPTER 220.

AN ACT TO AMEND THE CHARTER OF THE CONCORD MASONIC ASSOCIATION.

SECTION

1. Charter amended as to amount of property which may be held.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Charter amended
as to amount of
property which
may be held.

SECTION 1. Amend section 1, chapter 138, Laws of 1877, by striking out the word "forty" in the fourteenth line of said section and inserting in place thereof the words three hundred, so that said section as amended shall read as follows: SECTION 1. That George P. Cleaves, Horace A. Brown, Stillman Humphrey, Edgar H. Woodman, William A. Clough, Samuel C. Crockett, Frank D. Woodbury, Rensselaer O. Wright and J. Frank Webster, their associates and successors, be and they hereby are made a body politic and corporate, by the name of the Concord Masonic Association, for the purpose of providing suitable accommodations for the use and convenience of the various Masonic bodies of the city of Concord, and of holding, securing, managing and administering the property of said association,

and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall be vested with all the privileges and subject to all the liabilities incident to similar corporations; and may take and hold real and personal estate, by donation, bequest or otherwise for the purposes of said corporation, to an amount not exceeding three hundred thousand dollars, and the same sell, convey, or otherwise dispose of at pleasure.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 2, 1923.]

CHAPTER 221.

AN ACT ENLARGING THE POWERS OF MOORE'S FALLS CORPORATION.

SECTION

1. Authority conferred to lay cables, etc., in certain rivers, etc., through certain towns, etc., to install conduits, lines of towers, etc.; to purchase, etc., or appropriate rights of way, etc.
2. Damages for taking how determined; limitations on exercise of flowage powers.

SECTION

3. Construction of dam to begin within two years and to be completed within five.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Upon obtaining from the public service commission, in accordance with chapter 64, section 2 of Laws of 1921, an order authorizing the erection and maintenance of a dam across the Merrimaek river at or near Moore's Falls, so called, in the towns of Litchfield and Merrimaek, Moore's Falls Corporation, a corporation organized under the Business Corporation Law for the purpose of generating and transmitting electrical energy from such dam and distributing it in the city of Manchester or elsewhere for public distribution or for the operation of mills, railroads or public utilities or either of the same, and its successors and assigns, are hereby authorized (a) to lay suitable cables or other appliances for the transmission of electric current along the bed of the Merrimaek river or any tributary thereof in the towns of Merrimaek, Litchfield and Bedford and the city of Manchester, but not in such manner as to obstruct or render dangerous any public use to which said waters may be adapted; (b) to

Authority conferred to lay cables, etc., in certain rivers, etc., through certain towns, etc., to install conduits, lines of towers, etc.; to purchase, etc., or appropriate rights of way, etc.

install and maintain over said river or on private land or in streets and highways subject to the provisions of chapter 81 of the Public Statutes and its amendments, conduits, lines of towers, poles and wires and other suitable apparatus for electrical transmission and distribution within said municipalities and (c) to purchase and hold, or take and appropriate as hereinafter provided all rights of way and other easements necessary for the construction, maintenance and operation of such cables and transmission and distribution lines; *provided*, that said corporation shall not engage in the business of distributing electricity in any city or town further than to supply the same to the Amoskeag Manufacturing Company, the Devonshire Mills, and their respective successors and assigns, without first obtaining permission from the public service commission in accordance with chapter 164 of Laws of 1911, and its amendments. The laying of any cables in the Merrimack river or its tributaries authorized by this act shall be in accordance with plans approved by the public service commission.

Damages for taking how determined; limitations on exercise of flowage powers.

SECT. 2. Said corporation shall have all the rights, powers and privileges granted by chapter 64 of the Laws of 1921, and all damages occasioned by its exercise of such rights, powers and privileges shall be determined and compensated in accordance with the provisions of said chapter 64 of the Laws of 1921. If said corporation shall be unable to agree with the owner or owners as to the necessity for acquiring or the price to be paid for any rights of way or other easements which it may propose to acquire as hereinbefore authorized in section 1, it may petition the public service commission for permission to take such rights of way or other easements, and thereupon the rights of the parties shall be determined and the damages appraised as in case of public utilities in accordance with the provisions of paragraph (e), section 13 of chapter 164, Laws of 1911, as amended; *provided, however*, that said corporation shall not interfere by flowage with any developed water power, mill or mill privilege without the consent of the owners thereof, and in the case of the Devonshire Mills without compliance with the terms of an agreement between Amoskeag Manufacturing Company, Moore's Falls Corporation and Devonshire Mills dated March 19, 1923, and to be recorded in Hillsborough County Registry of Deeds; and *provided further* that said corporation shall not cause the flowing of water upon or against any roadbed, embankment, trestle or other structure constituting a part of a steam railroad, electric railway or public highway without providing for the proper protection or necessary changes or alterations of the same in a manner satisfactory to the proprietors of such steam railroad or street railway or to the authorities of the town or city in which such highway is situated.

SECT. 3. Said Moore's Falls Corporation shall begin operation to build the dam under this act within two years from the date of the passage hereof and shall complete the same within five years from the date of the passage hereof.

Construction of dam to begin within two years and to be completed within five.

SECT. 4. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 2, 1923.]

CHAPTER 222.

AN ACT IN RELATION TO THE CONSTRUCTION OF CURBING ALONG THE STREETS IN THE CITY OF MANCHESTER.

SECTION

1. Commissioners to lay out and construct curbing.
2. Assessment on abutting owners, for half of cost of construction and to be a lien for one year. Curbing to be maintained by city.

SECTION

3. Appeal and trial by jury.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The board of highway commissioners for the city of Manchester, whenever in their judgment the public interest requires, shall lay out and construct curbing where such has not been laid along the sides of such streets as are being improved with durable paving.

Commissioners to lay out and construct curbing.

SECT. 2. In constructing such curbing the board shall assess upon the owners of the property abutting such streets as are being paved, one half of the cost of constructing the same; and all assessments thus made shall be valid and binding upon the owners of such land and shall be a lien thereon for one year after the same are made and notice given to the persons assessed, and said lands may be sold for the nonpayment of bills presented therefor as in the case of nonpayment of taxes on resident lands. Such curbing shall afterwards be maintained at the expense of the city.

Assessment on abutting owners, for half of cost of construction and to be a lien for one year. Curbing to be maintained by city.

SECT. 3. Any owner aggrieved by reason of any such assessment shall have the same right of appeal, and he or the city shall have the same right of jury trial and under the same procedure, as in case of lands taken for highway purposes.

Appeal and trial by jury.

SECT. 4. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 2, 1923.]

CHAPTER 223.

AN ACT FOR THE PARTIAL EXEMPTION OF CERTAIN PROPERTY TO BE
USED FOR HOTEL PURPOSES IN THE CITY OF MANCHESTER.

SECTION

1. Carpenter Hotel Co. property may be exempted from taxation.

SECTION

2. Approval by voters of Manchester requisite.

Be it enacted by the Senate and House of Representatives in General Court convened:

Carpenter Hotel Co. property may be exempted from taxation.

SECTION 1. That the land situate at the northeast corner of the intersection of West Merrimack street and Franklin street in the city of Manchester, the buildings to be erected thereon and the furnishings therein, in value exceeding the assessment made thereon by the city of Manchester for taxation purposes in the year 1922, to wit, thirty-two thousand dollars (\$32,000), which may be owned or used by the Carpenter Hotel Company for hotel purposes, be exempted from taxation for a period of ten years from the first day of March, 1924, or during such portion thereof as said real and personal estate shall be used for hotel purposes, *provided* that the said Carpenter Hotel Company shall pay to the said city of Manchester annually the amount of the state and county taxes due upon all said property during said period of exemption.

Approval by voters of Manchester requisite.

SECT. 2. This act shall take effect after the voters of Manchester have approved the same at the next municipal election.

[Approved May 2, 1923.]

CHAPTER 224.

AN ACT RELATING TO PENSIONS FOR EMPLOYEES OF THE CITY OF
MANCHESTER.

SECTION

1. Pensions may be granted to certain employees for one year.
2. Mayor and aldermen authorized to make appropriation therefor.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Pensions may be granted to certain employees for one year.

SECTION 1. Employees of the city of Manchester not already embraced in existing pension laws may be granted pensions as follows: The board, commission or person in control of any

department of the city, or their successors in office, by vote of a majority of the board or commission or person in control of the particular department in which any employee has been connected, may at his own request or at the request of the said board, commission or person in control of such department of said city, retire from service for one year such employee of said department, who in the judgment of said department has become disabled for useful service while in the performance of duty or has had twenty years' consecutive service; and may grant a pension to such retired employee for a period not exceeding one year at a time, at half pay. Consecutive years under the terms of this section shall not be interpreted to disqualify those candidates for pensions who may have been laid off temporarily from work by the department from time to time.

SECT. 2. The board of mayor and aldermen of the city of Manchester are hereby authorized to appropriate sufficient money to carry out the provisions of this act.

Mayor and aldermen authorized to make appropriation therefor.

SECT. 3. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 225.

AN ACT RELATING TO PENSIONING OF EMPLOYEES OF THE WATERWORKS' DEPARTMENT OF THE CITY OF MANCHESTER.

SECTION

1. Water commissioners of Manchester may give pensions for one year to certain employees.

SECTION

2. Mayor and aldermen authorized to appropriate.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The board of water commissioners of the city of Manchester, or their successors in office, by vote of a majority of its members, may at his own request or upon recommendation of said board, retire from service for one year, any employee from said department, who in the judgment of said department has become disabled for useful service while in the performance of duty or has had twenty years' consecutive service, and may grant a pension to such retired employee for a period not exceeding one year at a time, at half pay. Consecutive years under the terms of this section shall not be interpreted to disqualify

Water commissioners of Manchester may give pensions for one year to certain employees.

those candidates for pensions who may have been laid off temporarily from work by the department from time to time.

Mayor and aldermen authorized to appropriate.

SECT. 2. The board of mayor and aldermen of the city of Manchester are hereby authorized to appropriate sufficient money to carry out the provisions of this act.

Takes effect on passage.

SECT. 3. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 226.

AN ACT RELATING TO PENSIONS FOR EMPLOYEES OF THE CITY OF NASHUA.

SECTION

1. Nashua authorized to grant pensions.
2. Pensions not to be for more than one year.
3. Who eligible for pensions.
4. Pensions how to be voted.
5. Length of service how computed.
6. Injuries resulting in total or partial incapacity, pensions therefor.
7. Amount of pension how to be determined.

SECTION

8. Consecutive years of service how computed.
9. Certification of incapacitation of applicant to be in writing.
10. Board of aldermen to have final jurisdiction as to granting of pensions.
11. Pensions to be paid monthly.
12. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Nashua authorized to grant pensions.

SECTION 1. The city of Nashua is hereby authorized to grant pensions to certain employees, as hereinafter set forth.

Pensions not to be for more than one year.

SECT. 2. No pension which may be granted hereunder shall be for more than one year at a time.

Who eligible for pensions.

SECT. 3. Any employee in any department of said city, existing by virtue of law, may be eligible for pension if he or she has been in such employment for twenty-five consecutive years.

Pensions how to be voted.

SECT. 4. No person shall be eligible for a pension unless the department in which he has been employed, through its officials legally responsible for the conduct of such department, shall by majority vote of its members recommend such pension. In case of any department where the control is under a single head or person, such head or person shall make such recommendation.

Length of service how computed.

SECT. 5. In computing length of service under this act, service in any department shall be included excepting that permanent members of the fire department shall be entitled to credit for time

spent as callmen by which two years service as callman shall be computed as one year of permanent service. In crediting such service as callman, no more than ten years of such service shall be permitted.

SECT. 6. Any employee of the city who has sustained injury while within the scope of his employment which totally incapacitates him from work may be entitled to a pension in the same manner and under the same conditions as if he had terminated his term of employment referred to in section 3 of this act. Any employee of the city who has sustained injury while within the scope of his employment which incapacitates him from performing the work he was engaged in when injured but does not prevent his doing other work for the city may be entitled to a pension not exceeding one half the difference between his wage after injury and his wage before injury, if as a result of such partial incapacity his wage earning power as regards the city has become lessened although he remains in the employment of the city. In case such injury happens to a callman, he may be entitled to pension not to exceed the sum of eight hundred dollars a year.

SECT. 7. No pension granted hereunder shall be for a sum greater than one half the average yearly salary or wage earned by the pensioner during the period of his last five years of service and no pension shall, in any event, amount to more than one thousand dollars.

SECT. 8. In computing consecutive years of service, temporary absence from work occasioned by accident, misfortune or sickness, or by act of the city, shall not have the effect of lengthening the required period or defeat the purpose of this act.

SECT. 9. No pension shall be granted hereunder unless the city physician shall certify to the board of aldermen that the candidate for pension is incapacitated for performing his duty in the department where he was employed from the time application for pension is made. No pension shall be granted unless the applicant shall make written request therefor.

SECT. 10. The board of aldermen of said city shall have final jurisdiction in the matter of granting pensions.

SECT. 11. Any and all pensions which may be granted under this act shall be paid to the persons respectively entitled thereto in equal monthly payments.

SECT. 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed and this act shall take effect upon its passage.

Injuries resulting in total or partial incapacity, pensions therefor.

Amount of pension how to be determined.

Consecutive years of service how computed.

Certification of incapacitation of applicant to be in writing.

Board of aldermen to have final jurisdiction as to granting of pensions.

Pensions to be paid monthly.

Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 227.

AN ACT EMPOWERING THE CITY OF NASHUA TO INCUR DEBTS TO THE
AMOUNT OF SIX PER CENT. OF ITS VALUATION.

SECTION

1. Nashua authorized to incur debts not exceeding 6% of assessed valuation; school debts.
2. City to constitute a single corporation; with powers for municipal and school purposes and all powers of a school district.

SECTION

3. Prior indebtedness for school purposes ratified; city treasurer to reimburse city treasury for advances.
4. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Nashua authorized to incur debts not exceeding 6% of assessed valuation; school debts.

SECTION 1. The city of Nashua may at any time have and incur debt for all purposes including school purposes to an amount not exceeding in the aggregate six per cent. of its last assessed valuation, *provided, however*, that in ascertaining the amount of such debt so to be compared with said six per cent., indebtedness lawfully incurred outside of said limit shall not be considered and deductions may be made as specified in chapter 129, Laws of 1917 and acts in amendment thereof and in addition thereto. So long as the aggregate net debt of said city for school purposes and all other purposes shall not exceed said limit of six per cent. the city may incur school debt in excess of the limit of two per cent. imposed upon school districts by said chapter 129, Laws of 1917.

Except as herein provided all indebtedness of said city, whether or not incurred for school purposes, shall be subject to chapter 43, Laws of 1895 as amended and to said chapter 129, Laws of 1917 and acts in amendment thereof and in addition thereto.

City to constitute a single corporation; with powers for municipal and school purposes and all powers of a school district.

SECT. 2. Said city shall constitute a single municipal corporation with powers for municipal and school purposes, including all the powers of a school district. All provisions of law or of the charter of said city affecting school districts or schools shall, so far as not inconsistent herewith, continue to apply to said city.

Prior indebtedness for school purposes ratified; city treasurer to reimburse city treasury for advances.

SECT. 3. All indebtedness of any governmental subdivision territorially coextensive with said city hitherto incurred for school purposes, in whatever form or however incurred, and all orders and votes authorizing the incurring or indebtedness or the issuance of bonds or notes or other obligations for school purposes by any such subdivision are hereby confirmed, ratified and validated. The city treasurer is hereby authorized to reimburse the city treasury for any sums advanced therefrom temporarily to pay any portion of such indebtedness pending the receipt of proceeds of school bonds or notes which may be issued within said aggregate debt limit.

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. Repealing clause;
takes effect on
passage.

[Approved May 4, 1923.]

CHAPTER 228.

AN ACT AUTHORIZING THE TOWN OF ALTON TO VOTE TO EXEMPT FROM LOCAL TAXES A PROPOSED DAM ON MERRYMEETING RIVER.

SECTION

1. Alton authorized to exempt from local taxation a proposed dam on Merrymeeting River.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the town of Alton, by major vote of those present and voting at any annual meeting, or at any special meeting called for the purpose, may exempt from local taxes for such period as may be voted, not exceeding ten years, the dam proposed to be constructed on Merrymeeting River in Alton in the vicinity of the site of the Wentworth dam, so called. *Provided* that when said dam is used for commercial purposes, said exemption shall cease. Alton authorized
to exempt from
local taxation a
proposed dam
on Merrymeet-
ing River.

SECT. 2. This act shall take effect upon its passage.

Takes effect on
passage.

[Approved May 4, 1923.]

CHAPTER 229.

AN ACT TO AUTHORIZE A PROPOSED VILLAGE SEWER DISTRICT IN THE TOWN OF DERRY TO BORROW MONEY AND TO ISSUE BONDS.

SECTION

1. Sewer district authorized to issue bonds.
2. District to be established by May 1, 1924.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Sewer district authorized to issue bonds.

SECTION 1. Upon the establishment of a proposed village sewer district in the town of Derry under the provisions of chapter 53 of the Public Statutes and amendments thereto, the district is authorized to incur indebtedness in an amount not exceeding five per cent. of the last preceding valuation for the assessment of taxes on the taxable property therein for the purpose of constructing and maintaining drains and common sewers in said district.

District to be established by May 1, 1924.

SECT. 2. This act shall be void unless the proposed village sewer district is established on or before May 1, 1924.

Takes effect on passage.

SECT. 3. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 230.

AN ACT AUTHORIZING THE SCHOOL DISTRICT OF THE TOWN OF EPPING TO BORROW MONEY IN EXCESS OF THE LIMIT PRESCRIBED BY LAW.

SECTION

1. School district authorized to borrow in excess of limit heretofore fixed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

School district authorized to borrow in excess of limit heretofore fixed.

SECTION 1. The school district of the town of Epping is hereby authorized to borrow a sum of money not exceeding nine thousand dollars in addition to what the district is authorized to bor-

row under chapter 129, Laws of 1917, for the purpose of building and equipping an addition to the graded school building of said district.

SECT. 2. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 231.

AN ACT TO ESTABLISH WATERWORKS IN THE TOWN OF HOOKSETT OR ANY VILLAGE DISTRICTS THEREOF.

SECTION

1. Hooksett authorized to construct waterworks, etc.; may acquire property and water rights, etc.
2. Power to appropriate streams, etc.; damages how determined.
3. Town empowered to contract to supply water; superintendent or board of water commissioners may be appointed.
4. Town authorized to contract for furnishing town with water.
5. Town authorized to raise and appropriate money for expenses of acquiring the property necessary for waterworks and for constructing the same; and may issue bonds of town therefor.

SECTION

6. Town may acquire stock, etc., of aqueduct company.
7. Definition of "town" as used in this act.
8. District authorized to extend its water system beyond limits of district.
9. Village districts may pledge credit to cover costs of water system; limitation of borrowing powers of districts; districts shall issue bonds or notes covering their own districts and town not to issue bonds, etc., binding districts.
10. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the town of Hooksett is hereby authorized and empowered to construct, manage, maintain, and own suitable waterworks for the purpose of introducing into and distributing through said town an adequate supply of pure water, in subterranean pipes, for extinguishing fires, and for the use of its citizens, and for other purposes; and for that purpose may take, purchase, and hold, in fee simple or otherwise, any real or personal estate, and any rights therein, and water rights necessary for carrying into effect the purposes of this act, and to excavate and dig canals and ditches in any street, place, square, passway, highway, common, or other place through which it may be deemed necessary and proper, for building said waterworks, and relay, change, and repair the same at pleasure, having due regard for the safety of its citizens and security of the public travel.

Hooksett authorized to construct waterworks, etc.; may acquire property and water rights, etc.

Power to appropriate streams, etc.; damages how determined.

SECT. 2. Said town is authorized and empowered to enter upon, take, and appropriate any streams, springs, or ponds not belonging to any aqueduct company, and to secure by fence or otherwise such streams, springs, or ponds, and dig ditches and canals, make excavations or reservoirs, through, over, in, or upon any land or enclosure through which it may be necessary for said aqueduct to pass, or said excavations, reservoirs, and waterworks to be or exist, for the purpose of obtaining, holding, preserving, or conducting such water, and placing such pipes or other materials or works as may be necessary for building and operating such aqueduct and waterworks, or for repairing the same; *provided*, if it shall be necessary to enter upon and appropriate any stream, spring, and pond, or any land for the purpose aforesaid, or to raise or lower the level of the same, and if said town shall not agree with the owners thereof for the damage that may be done by said town, or such owners shall be unknown, said town or said owner or party injured may apply to the trial term of the superior court for the county within which such stream, spring, pond, or land is situated, to have the same laid out and the damage determined, and the said court shall refer the same to the county commissioners for said county, who shall appoint a time and place of hearing, and give notice thereof in the same manner as is now provided by law for laying out highways, and said commissioners shall make report to said court, and said court may issue execution accordingly; if either party shall desire, they shall be entitled to trial by jury in such manner and under such regulations as the court may prescribe, in the same manner as appeals from the award of damages in the case of laying out of highways.

Town empowered to contract to supply water; superintendent or board of water commissioners may be appointed.

SECT. 3. Said town is authorized and empowered to contract with individuals and corporations for supplying them with water, and to make such contracts and establish such regulations and tolls for the use of water as may from time to time be deemed proper; and for the more convenient management of said waterworks, the said town may, either before or after the construction of the same, place them under the direction and control of a superintendent or board of water commissioners, or of both; and the selectmen of said town are hereby authorized and empowered to appoint such superintendent or board of commissioners, with such powers and duties as may from time to time be prescribed by said town.

Town authorized to contract for furnishing town with water.

SECT. 4. Said town is also authorized and empowered to contract with any person or corporation to furnish to said town said water for the use of said town for the purposes aforesaid.

Town authorized to raise and appropriate

SECT. 5. Said town is also authorized, at any annual or special meeting, by a major vote of those present and voting, to raise and

appropriate, and to borrow or hire, such sums of money, on the credit of the town, as may from time to time be deemed advisable, for the purpose of defraying the expense of purchasing real estate, rights in real estate, water rights, streams, springs, ponds, and rights as aforesaid, and for constructing, maintaining, and operating said waterworks, and for payment for water supplied by any person or corporation under contract as aforesaid, and to issue notes or bonds of the town therefor, payable at such times and at such rate of interest as may be thought proper.

money for expenses of acquiring the property necessary for waterworks and for constructing the same; and may issue bonds of town therefor.

SECT. 6. Said town is also authorized to purchase and hold shares of the capital stock of any aqueduct company with which it may contract for a supply of water as aforesaid, and may become the owner of the bonds and notes of such aqueduct company.

Town may acquire stock, etc., of aqueduct company.

SECT. 7. For the purposes of this act, wherever the word "town" is used it shall be construed to mean any village district that may hereafter be established pursuant to the provisions of chapter 53 of the Public Statutes within the limits of said town.

Definition of "town" as used in this act.

SECT. 8. Any village district established under the provisions of Public Statutes, chapter 53, as heretofore provided, for the purpose of availing itself of the powers and privileges herein granted, shall have power to extend its water system beyond the district boundaries for the purpose of supplying water for domestic and fire purposes to the inhabitants of any adjoining town or district.

District authorized to extend its water system beyond limits of district.

SECT. 9. Said village districts shall have the power to pledge their credit in the first instance to an extent sufficient to cover the costs of such water system as the inhabitants thereof shall by vote deem it necessary to construct, and to issue their notes or bonds therefor as provided in chapter 53 of the Public Statutes; *provided, however*, that no notes or bonds shall be issued by any district for any other purpose until the amount of the bonded indebtedness incurred hereby shall be reduced to such an extent that any further issue will not increase the total bonded indebtedness of said district to an amount in excess of the legal limit of indebtedness of said district.

Village districts may pledge credit to cover costs of water system; limitation of borrowing powers of districts; districts shall issue bonds or notes covering their own districts and town not to issue bonds, etc., binding districts.

This act shall not be construed to authorize the town of Hooksett to issue town bonds or notes for any village district which may be established in said town, but said districts may bond or issue notes which cover their own district.

SECT. 10. This act shall take effect upon its passage.

Takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 232.

AN ACT TO AUTHORIZE THE SCHOOL DISTRICT OF THE TOWN OF NEW-MARKET TO EXCEED ITS LIMIT OF BONDED INDEBTEDNESS AS FIXED BY CHAPTER 129, LAWS OF 1917.

SECTION

1. Newmarket school district authorized to incur indebtedness in excess of amount now authorized for high school building.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Newmarket school district authorized to incur indebtedness in excess of amount now authorized for high school building

SECTION 1. The school district of the town of Newmarket is hereby authorized to incur indebtedness to an amount not exceeding forty-five thousand dollars in addition to what the district may incur by the provisions of chapter 129, Laws of 1917, for the purpose of constructing and equipping a high school building for said district.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.

[Approved May 4, 1923.]

CHAPTER 233.

AN ACT IN AMENDMENT OF THE CHARTER OF THE NEW HAMPSHIRE ODD FELLOWS' HOME.

SECTION

1. Limit increased to which corporation may acquire and hold property.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Limit increased to which corporation may acquire and hold property.

SECTION 1. Amend section 2, chapter 208, Laws of 1883, as amended by section 1, chapter 219, Laws of 1903, so that said section as amended shall read as follows: SECT. 2. Said corporation shall have the power to take and hold, by gift, grant, bequest, purchase, or otherwise, any real or personal estate to an amount not exceeding three hundred and fifty thousand dollars.

Takes effect on passage.

SECT. 2. This act shall take effect on its passage.

[Approved May 4, 1923.]

STATE OF NEW HAMPSHIRE.

OFFICE OF SECRETARY OF STATE,

CONCORD, August 15, 1923.

I hereby certify that the acts and resolutions and changes of names contained in this volume have been compared with the originals in this office and found to be correctly printed.

ENOS K. SAWYER,

Secretary of State.

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